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THE LEGITIMACY OF PROPERTY IN ROUSSEAU'S SECOND DISCOURSE

BY

WANDA PHYLLIS SQUIRE

(C)

A THESIS

SUBMITTED TO THE FACULTY OF GRADUATE STUDIES AND RESEARCH IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS.

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ABSTRACT

This work examines the legitimacy of property in Rousseau's "Discourse on the Origin and Foundations of Inequality Amongst Men". It begins on a strange note: it demonstrates that Rousseau's view of nature is evolutionary. To possess an evolutionary understanding of nature requires that one resolve the difficulty of defining what distinguishes one animal from another. In the Discourse, Rousseau has to define what distinguishes man from other animals. According to Rousseau, man possesses three unique characteristics: free agency, pity and self-perfectibility. Having defined man, Rousseau argues that man could exist in the state of nature without other men. Consequently, there was no need for either property or civil society. The question therefore arises as to why civil society was instituted.

According to Rousseau's account, man is a natural carnivore who remains united with a female. The union of the human male and female leads to an increase in the human population and a corresponding decrease in the availability of food. In order to cope with these changing circumstances, man was forced to develop reason. By imitating nature he was able to acquire the necessary knowledge for the art of agricultrue and thus able to satisfy his needs in order to survive. Agriculture, however

requires that each person recognize the right of every other person to work his land and to keep the products grown from the land. For Rousseau, agriculture requires the institution of property. At the same time, agriculture is necessary both to individual and species preservation. Thus, men agree to institute property and consequently civil society. Rousseau's account demonstrates that the evolution of human needs froced man to institute civil society which is rendered legitimate through the institution of property.

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Chapter I

Introduction

"This is mine"; a statement so easy to utter, so powerful in its consequences: it is this phrase which is responsible not only for property, but also for the whole of civil society according to Rousseau's famous Discourse, "On the Origin and Foundations of Inequality Amongst Men".[1]

> The first person who, having fenced off a plot of ground, took it into his head to say this is mine and found people simple enough to believe him, was the true founder of civil society.[2]

To understand the rise of civil society, and similarly, the demise of the original state of nature in the Discourse entails an account of the development of ideas.

> For this idea of property, depending on many prior ideas which could only have risen successively, was not conceived all at once in the human mind.[3]

In Rousseau's view, most human ideas are inseparable from language itself.

> Let us consider how many ideas we owe to the use of speech ...[4]

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1. Jean Jacques Rousseau, "On the Origin and Foundations of Inequality Amongst Men," The First and Second Discourses, trans. ed. Roger D. Masters, Judith R. Masters (New York: St. Martin's Press, 1964). Hereafter, Rousseau's work will be abbreviated the Discourse.

2. Ibid., p. 141.

3. Ibid., p. 142.

4. Ibid., p. 116.

> ... general ideas can come into the mind only with the aid of words ...[5]

> It is therefore necessary to state propositions, hence to speak in order to have general ideas ...[6]

Further, the development of ideas is also dependent on human passions.

> Whatever the moralists may say about it, human understanding owes much to the passions, which by common agreement, also owes much to it.[7]

Finally, an account of the evolution of ideas is inseparable from needs which are conditioned by one's environment.

> ... in all nations of the world progress of the mind has been precisely proportioned to the needs that people had received from nature or to those to which circumstances had subjected them ...[8]

Thus, if ideas in general are somehow dependent upon language, passions and needs, it follows that the idea of property in particular is in some way dependent upon language, passions and needs. Although the relationship between need, passion, language and ideas appears straightforward, Rousseau's Discourse makes obvious that language is related to foresight, memory, imagination and love; passions are tied to needs; and needs are inseparable from desires. Relationships intertwine; complexities increase.

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5. Ibid., p. 124.

6. Ibid., p. 125.

7. Ibid., pp. 115-116.

8. Ibid., p. 116.

Despite the multiplying difficulties in reconstructing Rousseau's account of property, I nonetheless will not leave the task to whomever would take the challenge, but rather, I shall accept it myself. The purpose of the thesis is to extract from the morass of complex relationships the reasons for the rise of property, and consequently, civil society, in the Discourse.

In accepting the challenge to assess the place of property in the Discourse, I will treat Rousseau's work as a tool of learning - that is, for provoking thought - and, therefore, accord to it the respect due to any true mentor. Rousseau recognized that his Discourse, like all instruments of learning, is subject to the reader's abuse or appreciation, which, in the final analysis, is determined by the reader's degree of care and attention to Rousseau's precise words. Although Rousseau does not explicitly categorize his various readers, his writing strongly suggests that he distinguishes at least three distinct types of readers. First, "vulgar readers" are distinguished from "judges".

> It is enough for me to offer these objects to the consideration of my judges; it is enough for me to have arranged it so that vulgar readers would have no need to consider them.[9]

Second, Rousseau reserves as "judges" only two Greek philosophers. No "modern" man appears to be capable of

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9. Ibid., p. 141.

judging Rousseau's thought.

> I shall try to use a language that suits all nations, or rather, forgetting times and places in order to think only of the men to whom I speak, I shall imagine myself in the Lyceum of Athens repeating the lessons of my masters with Plato and Xenocrates for judges, and the human race for an audience.[10]

Vanity precludes me from accepting the status of a vulgar reader; humility precludes me from attributing to myself the status of judge. Rather, I see myself as one of Rousseau's "attentive readers":

> In discovering and following the forgotten and lost routes that must have led man from the natural state to the civil state ... every attentive reader cannot fail to be struck by the immense space that separates these two states.[11]

Rousseau, the author, distinguishes various classes of readers; Rousseau, the mentor, has different teachings for these various classes. In particular, Rousseau seeks to persuade the vulgar, superficial readers of a salutary teaching concerning human nature and civil society, while at the same time, guiding the more attentive readers into recognizing the truths about human nature and civil society.

My mentor is the author of the Discourse, my status is attentive reader; and in an effort to deserve that status, extreme care will be taken in interpreting the Discourse

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10. Ibid., p. 103. Xenocrates was a student of Plato.

11. Ibid., p. 178.

with the view to distilling those ideas relevant to Rousseau's account of property. The thesis, therefore, is primarily analytical and expository as opposed to being judgmental in character.

The following work is divided into three chapters. Chapter II discusses its significance and elucidates some of the theoretical problems which Rousseau necessarily encountered in maintaining that man is an evolutionary animal. In so doing, this chapter also reveals that Rousseau has different teachings for various readers. The first part of Chapter III contrasts human needs as they exist in the state of nature with human needs as they exist in civil society. The latter part of the chapter reformulates Rousseau's account of property in an effort to demonstrate that the transformation of human needs inevitably led to the emergence of property. Chapter IV demonstrates why Rousseau maintained that the private ownership of land is practically synonymous with politics. Finally, a speculative effort will be made to indicate why Rousseau did not intend to teach the same things to all readers.

Chapter II

Limitations and Scope

Rousseau's view of animals in nature is akin to modern evolutionary biology and contrasts dramatically with the classical conception which sees each species as uniquely created.[12] To argue that Rousseau's view of nature is evolutionary is to engage in a controversy among students of Rousseau concerning the scientific and historical status of man in the state of nature. Some authors, like J. Shklar, contend that Rousseau, like all utopists, created the state of nature as a measure to determine the degree to which civil man had degenerated.[13] Rousseau's works often do contrast the strong, crude savage man in the state of nature with the refined, weak, bourgeois gentleman in civil society. Such evidence does suggest that Rousseau, for some reason, wanted to demonstrate forcefully and vigorously, the degree of man's depravity. The beauty and purity in nature provided Rousseau with a means to accomplish this task. It would therefore appear that the state of nature is not an historical, true account of man. With the advent of Leo Strauss, increasing numbers of Rousseau's students maintain that Rousseau's state of

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12. Ibid., p. 235. Masters' note to Rousseau's work.

13. Judith N. Shklar, Men and Citizens: A Study of Rousseau's Social Theory (London: Cambridge University Press), 1969, pp. 2-6.

nature in the Discourse accurately depicts human origins.[14] Strauss deduces that the state of nature cannot be hypothetical according to the premises which Rousseau establishes in the Discourse.

> Rousseau was fully aware of the antibiblical implications of the concept of the state of nature. For this reason, he originally presented his account of the state of nature as altogether hypothetical; the notion that the state of nature was once actual contradicts the biblical teaching which every Christian philosopher is obliged to accept. But the teaching of the Second Discourse is not that of a Christian; it is the teaching of a man addressing mankind; it is at home in the Lyceum at the time of Plato and of Xenocrates, and not in the eighteenth century; it is a teaching arrived at by applying the natural light to the study of man's nature, and nature never lies. In accordance with these statements, Rousseau asserts later on that he has proved the account of the state of nature.[15]

There is also another group of critics who argue that Rousseau vacillated between considering the state of nature as an established fact and the state of nature as a utopian standard.

> Rousseau tries to ward off criticism by admitting that his "state of nature" is only a useful conceptualization, a fruitful operational notion - one which obviously depends on the already assumed conclusion that culture is not natural to

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14. Robert Wokler, "Perfectible Apes in Decadent Cultures: Rousseau's Anthropology Revisited," Daedulus, Vol. 107 (3), Summer, 1978, pp. 107-134. Roger D. Masters, "Jean-Jacques Is Alive and Well: Rousseau and Contemporary Sociobiology," Daedulus, Vol. 107 (3), Summer, 1978, pp. 93-105. Marc F. Plattner, Rousseau's State of Nature: An Interpretation of the Discourse on Inequality, (Dekalb, Illinois: Northern Illinois University Press), 1979.

15. Leo Strauss, Natural Right and History (Chicago: Chicago University Press), 1953, note #32, p. 267.

> man. It enables him to contemplate a "man" freed of the historical and the contingent - the type of abstraction that suits utopian thinkers. However, he cannot maintain this attitude. Unable to solve the problem of passing from the realm of the conceptual to the realm of history, as he must do, he quickly forgets his initial proviso; after the first few pages he writes as if the processes he is describing were a factual part of human history. In so doing, he falls into a common fallacy of his time, that of superimposing a "natural," normative history on actual history, the latter being conceived as a story of "pathological deviations" from an ideal norm.[16]

The preceding arguments are not necessarily mutually exclusive. Each fails to entertain the possibility that Rousseau's state of nature can be both an ideal and a historical fact. If so, the state of nature may not only describe man's original condition but his original condition may also provide a standard by which men in society ought to live. Thus, on the one hand, the state of nature would be true; on the other hand, the state of nature would be utopian. Although it will be argued that Rousseau's understanding of nature is evolutionary, from which it follows that the state of nature accurately depicts human origins, this controversy pales in comparison to the issue of how Rousseau addressed and resolved the perennial political problems in light of this modern conception of nature, radical for its time - indeed, for any time.

Of the few students of Rousseau who are convinced that

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16. Lester G. Crocker, Jean Jacques Rousseau: The Quest (1712-1758), Volume 1, (New York: MacMillan Company), 1968, p. 256.

his view of nature is evolutionary, even fewer have considered, let alone appreciated, how Rousseau resolved the political implications and theoretical difficulties posed by the evolutionary understanding of nature.[17] Rather, students have argued that Rousseau's understanding of nature presents a crisis for natural right.

> It is therefore difficult to understand how Rousseau could have based his natural right teaching on what he believed he knew of natural man or men in the state of nature. His conception of the state of nature points toward a natural right teaching which is no longer based on considerations of men's nature, or it points toward a law of reason which is no longer understood as a law of nature.[18]

If nature is to provide the standard by which man ought to live, yet man is, by nature, a sub-rational being - an animal evolved from other animals - it would appear to follow that as man becomes increasingly rational, and hence less natural, that a natural right teaching could not be based on man's nature. Man is by nature sub-rational; a natural right teaching is rational, therefore, it appears Rousseau's conception of natural right has no relation to man's nature or that natural right, if it has to be rational, has no relation to nature. Through an analysis of the origin and role of property in Rousseau's Discourse, it will not only be demonstrated how Rousseau's view of nature

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17. One notable exception is Leo Strauss, Natural Right and History, (Chicago: Chicago University Press), 1953, pp. 252-294.

18. Ibid., p. 276.

can be both hypothetical and factual, but even more important, it will show how Rousseau addressed and resolved the difficulties which many critics believe to exist.

The particular controversy surrounding the scientific and historical status of Rousseau's state of nature reflects an even more general and fundamental problem: how Rousseau's writings should be interpreted. For example, Rousseau himself states that his state of nature is both hypothetical and factual.[19] Consequently, it would appear that Shklar, Strauss and Crocker have valid arguments. The paradoxical character of Rousseau's works, however, was intended.

> ... it is not for me to be permitted to attack vulgar errors and educated people respect their prejudices too much to bear my supposed paradoxes with patience.[20]

Rousseau therefore provides a standard by which one's interpretation can be measured: if the reader cannot reconcile the paradoxes, the reader has made an error. Rousseau's paradoxical writing style suggests at least one method - one which will be used throughout this work - to examine his writings. The particular paradox concerning a subject will be presented. An interpretation will then be offered with the view to reconciling the paradox. Another important criterion, however, for interpreting Rousseau is

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19. Rousseau, Discourse, compare p. 93 with pp. 140-141.

20. Ibid, p. 220, Emphasis added.

that the interpretation must be consistent with his work as a whole. In the final analysis, however, the thesis is founded on a paradox: there appears to be no measure by which I can know that my interpretation is not riddled with vulgar errors or respected prejudices.

Before amassing evidence that Rousseau's Discourse is based on a subtle evolutionary conception of nature, it would be useful to present at least a preliminary understanding of basic evolutionary principles in conjunction with Rousseau's work. Ernst Mayr's article "Evolution"[21] is a refinement of Charles Darwin's work and succinctly expresses four basic principles governing evolution. First, and most general, is the principle which defines nature as an eternal process of change. "Species change continually, new ones originate and others become extinct."[22] As will be seen, this principle encompasses the other principles. For this reason, it will not yet be demonstrated that Rousseau conceived nature to be in a perpetual state of change. Rather, this conclusion can be more easily deduced following an examination of the other three principles. Mayr's second principle maintains

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21. Ernst Mayr, "Evolution", in Scientific American, Vol. 239 (3), September, 1978, pp. 47-55. The selection of Ernst Mayr as an authority is not arbitrary. The fact that his article is the first in the special edition of the Scientific American which was devoted to evolution suggests that he is a leading authority on the subject of evolution.

22. Ibid., p. 48.

that similar organisms descend from a common ancestor.[23] Although the Discourse is devoted primarily to man as opposed to the whole of animate creation, Rousseau's awareness of speciation can be obtained from at least two parts of the Discourse: note (j) and the outset of Part I. In note (j), Rousseau analyses the account of the Congo pongos written by Battel and Purchass as a means to suggest that few differences exist between man and beast. The pongos, according to Rousseau's account, though similar to men physically, are heavier and taller; they have deep-set eyes; they lack a calf and, finally, they are vegetarian.[24] Certainly, Rousseau's observation that these animals resemble men is not sufficient evidence to deduce, at this point, that Rousseau was aware of speciation. However, by criticising and challenging the assumptions in the Battel and Purchass account of the pongos, Rousseau demonstrates that he was conscious of the various changes that species might undergo over time.

Rousseau provides three reasons for subjecting the account of Battel and Purchass to scrutiny. The brevity of their observations provides one reason for his skepticism.

> The small number of lines these descriptions contain can enable us to judge how badly these animals were observed and with what prejudices

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23. Ibid., p. 48.

24. Rousseau, Discourse, pp. 204-205.

they were seen.[25]

Second, Rousseau demonstrates that the respective observations of Battel and Purchass contradict one another. These contradictions by themselves, however, do not provide a sufficient reason for Rousseau to conclude that the account written by Battel and Purchass is incorrect. However, Purchass was Battel's compiler[26] and, for this reason, it is curious that their accounts are contradictory, specifically regarding their observations of the behavior of the pongos.

> In one place, Battel says that the pongos kill Negroes who cross the forests; in another, Purchass adds that they do not do them any harm ...[27]

Finally, Rousseau attacks their assumption that pongos are animals and not men in the state of nature. If these travellers assumed that pongos were not men because they did not talk, their reason was weak "... for those who know that although the organ of speech is natural to man, speech is nonetheless not natural to him..."[28] Further, Battel and Purchass had no way of knowing that pongos did not possess self-perfectibility, a characteristic unique to the

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25. Ibid., p. 207.

26. Ibid., p. 219.

27. Ibid., p. 207.

28. Ibid., p. 207.

human species.[29] By undermining the credibility of Battel's and Purchass' account, Rousseau raises the distinct possibility that man is only one of the many species of animals. Battel and Purchass, in keeping with traditional thought, assumed that man is distinguished from beast by language, and consequently, reason. Rousseau states that self-perfectibility and not reason is the distinguishing feature of homo sapiens.[30] In the original state of nature, self-perfectibility is dormant because it requires general ideas, which in turn require language.[31] Since man has no language in the state of nature, his perfectibility must also be dormant. Given that perfectibility is responsible for the growth of all other human faculties [32] and given that perfectibility is dormant in the state of nature, it follows that all human faculties must also be dormant. Thus, man in the state of nature is only a beast with the potential to become higher than a beast. In suggesting that man was once an animal, Rousseau also suggests that he is aware of the speciation which occurs among the animal kingdom. Throughout the Discourse, Rousseau refers to man only as another animal. For example, Rousseau sees man only as an animal who is the

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29. Ibid., p. 208.

30. Ibid., p. 114.

31. Ibid., p. 124.

32. Ibid., p. 114.

most advantageously organized[33]; Rousseau describes man as an animal who must defend himself from becoming the prey of another animal[34]; Rousseau defines free agency as the characteristic which distinguishes men among the animals.[35] Thus, Rousseau suggests that animal includes both man and beast, whereas beast refers to all animals excluding man, and for this reason, Rousseau can be understood to be arguing that man is merely another animal.

At the outset of Part I, Rousseau states that his Discourse will not examine man's

> ... organic structure through its successive developments. I shall not stop to investigate in the animal system what he could have been at the beginning in order to become at length what he is. I shall not examine whether, as Aristotle thinks, man's elongated nails were not at first hooked claws; whether he was not hairy like a bear; and whether, if he walked on all fours (c), his gaze, directed toward the earth and confined to a horizon of several paces, did not indicate both the character and limits of his ideas.[36]

Rousseau's interpretation of Aristotle suggests that Aristotle's view of nature was evolutionary. Yet, Aristotle never entertained the possibility that man is simply an animal.

> This phrase is ambiguous, perhaps intentionally. Although Aristotle speaks of the analogy between the claws of animals and the nails of men, I am

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33. Ibid., p. 105.

34. Ibid., pp. 112-113.

35. Ibid., p. 114.

36. Ibid., pp. 104-105, emphasis added.

> .unable to find any passage in which he suggests that the latter evolved out of the former ... Even a cursory reading of these works reveals the gulf between Aristotle's biological method, which assumes that each species is naturally distinct, and the radical evolutionary approach of Rousseau. For example, Aristotle asserts that mans stands erect on two feet because "his nature and his esence is divine" ... nature forms each species in terms of its end or perfection.37

The comparison of Rousseau's statements about Aristotle with Aristotle's own statements reveals the degree to which Rousseau's conception of nature departs from the classical understanding. In interpreting Aristotle as holding an evolutionary conception of nature, Rousseau leads his readers to believe that he and Aristotle have a similar understanding of nature. The question then arises as to why Rousseau gives his work the appearance of being in accordance with classical thought.

Rousseau states that the paucity of scientific data is the reason for his failure to provide a morphological account of man.

> Comparative anatomy has as yet made too little progress and the observations of naturalists are as yet too uncertain for one to be able to establish the basis of solid reasoning upon such foundations. 38

Although Rousseau does not attempt to alleviate this gap in scientific knowledge, he suggests that it can be done. If a morphological account of human evolution can be

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37. Ibid., pp. 234-235. Note #21 of Masters to Rousseau's Discourse.

38. Ibid., p. 105.

documented, it follows that morphological changes have occurred. Further, Rousseau states unequivocally that animal physiology depends on diet and the manner in which an animal uses its limbs.[39] Rousseau's awareness of physiological changes posits a direct relationship between body structure and environment. If the body structure of a being depends on external conditions, it follows that if the same being is exposed to different conditions, its structure will vary according to the conditions to which it is subjected. Thus, the most plausible interpretation of Rousseau suggests his awareness that speciation occurs in the animal kingdom. If so, the question remains as to why Rousseau would imply that his conception of species in nature does not differ substantially from Aristotle's.

Mayr's third principle of evolution states that the process of change is gradual and continuous.[40] In concluding Part I, Rousseau writes that he need not expand his reflections

> ... concerning the way in which the lapse of time compensates for the slight probability of events; concerning the surprising power of very trivial causes when they act without interruption ...[41]

To this point in the Discourse, Rousseau offers no indication as to what the "trivial causes" are which have made

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39. Ibid., p. 105.

40. Ernst Mayr, p. 48.

41. Rousseau, Discourse, p. 141.

such an impact on nature over time. Note (j) offers one plausible answer.

> ... if one had been able to make good observations in those ancient times when various peoples followed ways of life with greater differences between them than peoples do today, one would also have noted, in the shapes and habits of the body, much more striking varieties. All these facts, for which it is easy to furnish incontestable proofs, can surprise only those who are accustomed to look solely at the objects surrounding them, and who are ignorant of the powerful effects of the diversity of climates, air, foods, way of life, habits in general, and above all the astonishing force of the same causes when they act continually upon long sequences of generations.[42]

Rousseau not only defines those environmental forces - trivial causes - which affect the physical appearance of a species, but he also notes that such changes occur only with time. Thus, Rousseau's understanding of time in nature is analogous to that held by modern evolutionary biologists.

Mayr's fourth principle of evolution describes the process of natural selection among animals.

> Selection is a two step process. The first step is the production of variation. In every generation, according to Darwin, an enormous amount of variation is generated ... The second step is selection through survival in the struggle for existence ... those individuals that have the most appropriate combination of characters for coping with the environment, including climate, competitors and enemies; they would have the greatest chance of surviving, of reproducing, and of leaving survivors ...[43]

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42. Ibid., p. 203.

43. Ernst Mayr, p. 48.

Natural selection is simply a process of survival which carries no connotation of strength, weakness or progress. Those beings fortunate enough to possess certain genetic and physical traits given certain environmental conditions will survive and reproduce. Rousseau's understanding of natural selection is best clarified through an examination of natural law. A necessary prelude to discovering his conception of natural law is to examine its defining essentials, something which Rousseau establishes by criticising both the Roman and modern conceptions.

> ... the Roman jurists subject man and all the other animals indifferently to the same law, because they consider under this name the law that nature imposes upon itself rather than that which it prescribes; or rather because of the particular sense in which those jurists understand the word law, which on this occasion they seem to have taken only for the expression of the general relations established by nature among all animate beings for their common preservation.[44]

Roman positive law, though founded on natural law, is defective according to Rousseau, because it fails to consider law as a corrective mechanism in society. Rather, the physical laws governing beasts were believed to apply to man. Consequently, laws in Roman society were sanctioned if they existed in the animal kingdom. According to Rousseau, modern jurists, unlike their Roman predecessors, fail to establish positive law upon natural

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44. Rousseau, Discourse, p. 94.

law. Law, according to the moderns, exists only if there is an awareness of its existence. Man is the only being able to perceive its existence and hence law can govern no being but man. No laws govern nature, so man need not look to nature for law.

> The moderns, recognizing under the name law only a rule prescribed to a moral being, that is to say, intelligent, free, and considered in his relations with other beings, consequently limit the competence of natural law to the sole animal endowed with reason, namely man; but each defining this law in his own fashion, they all establish it upon such metaphysical principles that even among us there are very few people capable of comprehending these principles, far from being able to find them by themselves.[45]

For the moderns, law is merely convention. Without any standard against which good and bad laws can be measured, the moderns have resorted to using agreement as a criterion for establishing law. For Rousseau, law is not convention and consequently agreement cannot provide an adequate criterion for measuring good or bad laws.

> Writers begin by seeking the rules on which, for the common utility, it would be appropriate that men agree among themselves; and then they give the name natural law to the collection of these rules, without other proof than the good which they judge would result from their universal application. This is surely a very facile way to compose definitions and to explain the nature of things by almost arbitrary conveniences.[46]

According to Rousseau, both conceptions of natural law are incorrect: it is neither a simple description of physical

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45. Ibid., p. 94.

46. Ibid., p. 95.

laws among animals nor is it a complex prescription of conventional laws established by men.

For Rousseau, natural law must somehow reflect a synthesis; it must describe the relations among all animals including man as well as provide a basis for positive law among rational beings.

> All that we can see very clearly concerning this law is that, for it to be law, not only must the will of him who is bound by it be able to submit to it with knowledge; but also, for it to be natural, it must speak directly by nature's voice.[47]

Although the criteria for natural law are stringent, Rousseau states that natural law governs not only the state of nature, but can also be made to govern civil society once the true principles of nature are adequately understood.

> Accustomed from infancy to inclemencies of the weather and the rigor of the seasons, trained in fatigue, and forced, naked and without arms, to defend their lives and their prey against other wild beasts, or to escape by outrunning them, men develop a robust and almost unalterable temperament ... Nature treats them precisely as the law of Sparta treated the children of citizens: it renders strong and robust those who are well constituted and makes all the others perish, thereby differing from our societies, in which the State, by making children burdensome to their fathers, kills them indiscriminately before their birth.[48]

Rousseau's conception of the law of nature achieves the desired synthesis. In the state of nature, the environment

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47. Ibid., p. 95.

48. Ibid., p. 106.

produces strong and robust individuals as evidenced by their ability to survive. Thus, Rousseau's conception of natural law fulfills the first criterion: it describes the relations among animals. Rousseau's description of the state of nature suggests that only the strong survive. It would therefore follow that man's ability to survive over the centuries is an indication of his strength. Yet, Rousseau observes that only those societies similar to Sparta can create robust men. Thus, for Rousseau survival is the criterion by which strength is measured in nature whereas survival is not necessarily a sign of strength in society. Rather, society does not necessarily render "strong", in this evolutionary sense, its well constituted individuals. Its frequent failure to do so produces weak men, and natural law, properly understood, should become the prescription to remedy the prevailing ills of a society thus modelling positive law on natural law. Rousseau's conception of natural law meets his second criterion: it provides a standard on which to found positive law. The question then becomes one of determining the rule or rules which nature prescribes - rules which can be prescribed by positive law - to create strong individuals. The general principle on which positive law must be founded is simple: it must preserve "the simple, uniform and solitary way of life prescribed to us by nature".[49]

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49. Ibid., p. 110, emphasis added.

Having observed Rousseau's understanding of natural law, it remains to be seen how it compares to the evolutionary principle of natural selection. For Mayr, those beings who best cope with the environment will more frequently survive and reproduce. For Rousseau, those beings able to withstand natural forces are rendered strong, and consequently, survive and reproduce. One difference underlies the two conceptions of natural selection: Mayr maintains that strength is relative to environment; Rousseau appeals to an unchanging standard of strength. According to Mayr, the death of an individual or species does not signify weak in any absolute sense. Rather, the species or individual is weak given the present circumstances. According to Rousseau, those beings who survive are strong in an absolute sense. The weak individuals or species must perish. Although this difference between Rousseau and Mayr exists, both authors agree that a process of selection exists in nature. Thus, Rousseau's view of who survives precedes Darwin's view of the survival of the strong through a process of natural selection.

Like Darwin later, Rousseau was aware not only of the general principle concerning the process of natural selection, but he also recognized its particular principle which holds that only those beings capable of surviving can successfully reproduce. For example, in note (j) Rousseau provides an example to demonstrate that the account of the

pongos written by Battel and Purchass is riddled with prejudices. "For example, they [the pongos] are qualified as monsters, and yet it is agreed that they reproduce."[50] For Rousseau, this example substantiates his claim that Battel's and Purchass' account of the pongos mirrors their prejudices. The premise underlying Rousseau's criticism is that monsters cannot propagate successfully. His criticism not only provides evidence that he understood the process of natural selection and its implications for the survival of the species, but it also makes manifest the gulf between the modern and classical conceptions of nature.

If, as the classical conception of nature holds, each species is distinct from all others, it follows that each species possesses characteristics unique to it. Further, these characteristics provide a standard by which to judge each member of the species. Thus, if species Z has traits V, W and X and member A of species Z lacks W, it follows that A deviates from the norm. It is in this sense that the member can be considered a monstrosity. If, however, as Rousseau claims, nature is a continual process of change and one species is merely the outgrowth of another, member A of species Z would not be a monstrosity if it could survive and reproduce. Thus, if nature is considered from an evolutionary viewpoint, it appears that nature provides no standard by which species or individuals can be judged

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50. Ibid., p. 207.

as to their particular strengths or weaknesses. Rousseau's criticism of Battel and Purchass thus reveals a part of the theoretical philosophical problem which plagued Rousseau, but one which the classical philosophers did not face.

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From the outset of Part I, Rousseau encounters grave theoretical difficulties posed by the evolutionary view of nature. In the Preface, Rousseau states that one purpose of the Discourse "... is to separate what is original from what is artificial in the present nature of man ..."[51] The study of natural man is essential to understanding natural law. Only after a knowledge of natural law has been acquired can one understand what is required of positive law. The issue of the Discourse has been defined; the theoretical difficulties of nature which Rousseau encountered require explanation.

An example will best elaborate the difficulties which Rousseau necessarily encountered. The problem would be analogous to writing a historical and naturalistic treatise concerning the birds of the world without recourse to any rules of classification such as the Linnaean system. Assume that the common claim of evolutionary biologists - birds evolved from reptiles - is valid.

In the course of the evolution of birds from

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51. Ibid., pp. 92-93.

> reptiles, there was a successive alteration of the bones, the muscles and the skin of the forelimb to give rise to a wing; an increase in the size of the breastbone to provide an anchor for the wing muscles; a general restructuring of bones to make them very light but strong, and the development of feathers to provide both aerodynamic elements and lightweight insulation.[52]

To make any sense of the claim that birds evolved from reptiles, it is essential to decide at which point a bird is properly defined a bird. Should early reptiles be included in the work? Should the ostrich and the penguin be included since neither species flies? All species of birds do not have feathers, eat the same foods, or even migrate; yet, for some reason, certain species of animals are classified as birds and others are not. This same conceptual problem of definition plagued Rousseau in relation to man. If the purpose of the Discourse is to study original man, yet man evolved from the animal kingdom, the question arises as to the point in time at which man can be properly defined as man.

The morphological difficulties concerning man are resolved at the outset of Part I.

> ... without regard to the changes that must have come about in the internal as well as external conformation of man as he applied his limbs to new uses and as he nourished himself on new foods, I shall suppose him to have been formed from all time as I see him today: walking on two feet, using his hands as we do

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52. Richard C. Lewontin, "Adaptation," in Nature Red in Tooth and Claw: Readings in Evolutionary Theory, Collection of Essays by Leon Craig, Edmonton, Alberta, 1982, p. 213.

> ours, directing his gaze on all of nature, and measuring the vast expanse of heaven with his eyes.[53]

On the one hand, Rousseau erects an artificial construct to remove the difficulty of defining man in terms of his morphological structure. On the other hand, Rousseau must still define those characteristics unique to homo sapiens which will account for the evolution of man from a beast into a being capable of producing the arts, sciences and luxuries of civil society.

Rousseau begins the task by examining both the physical and metaphysical aspects of original man.[54] Physical man, having his roots in the animal kingdom has only three needs which must be satisfied: food, water and sleep.[55] Having defined physical man, Rousseau demonstrates that physical man in the state of nature cannot account for the institution of civil society. In the state of nature, men, dispersed among the animals, observe, imitate and appropriate the activities of the beasts thereby fulfilling those needs vital to self preservation without the help of other men.

> I see him satisfying his hunger under an oak, quenching his thirst at the first stream, finding his bed at the foot of the same tree that furnished his meal; and therewith his needs are

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53. Rousseau, Discourse, p. 105, emphasis added.

54. Ibid., p. 113.

55. Ibid., p. 105.

satisfied.[56]

Consequently, basic human needs do not provide a reason for men to unite in civil society. Thus, it appears that Rousseau would have us believe that man is not, by nature, a socio-political being.

Rousseau further denies the possibility that men united for purposes of defense. Savage man, in the state of nature, is not as weak as man in society.

> The savage man's body being the only implement he knows, he employs it for various uses of which, through lack of training, our bodies are incapable; our industry deprives us of the strength and agility that necessity obliges him to acquire.[57]

His fully developed individual strength enables man in the state of nature to defend himself without the aid of other human beings. In those instances when human strength does not surpass that of other animals, there is still no need for man to unite because savage man recognizes that he surpasses "animals in skill more than they surpass him in strength".[58] Other animals, for their part, learn that savage man can outwit them, and consequently, they will not attack man willingly.[59] In those instances where animals possess more strength than man has skill, Rousseau notes

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56. Ibid., p. 105.

57. Ibid., p. 106.

58. Ibid., p. 107.

59. Ibid., pp. 107-108.

that this human weakness does not provide an adequate basis on which to found civil society because man "is in the position of the other weaker species, which nevertheless subsist."[60]

Rousseau then examines other "more formidable enemies, against which man does not have the same means of defense".[61] Rousseau examines three human weaknesses in an effort to determine if human weaknesses provide adequate justification for the institution of civil society. First, Rousseau examines infancy in the human species. He concludes that a female does not require the assistance of the male to aid in feeding her young since she carries her child with her and thus can

> ... nourish it with more facility than the females of several animals, which are forced to come and go incessantly with great fatigue, on one direction to seek their food and in the other to suckle or nourish their young.[62]

Second, Rousseau argues that the extended duration of infancy in man is not a valid reason for the union of males and female since the length of the lives of all species is proportionate to the length of time of their growth.[63] If other species are able to survive infancy, it would appear to follow that the human race should also be able to

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60. Ibid., p. 108.

61. Ibid., p. 108.

62. Ibid., pp. 108-109.

63. Ibid., pp. 109 and 191.

survive in infancy without the aid of society. Both of Rousseau's arguments are inadequate. First, Rousseau has not exhausted other possibilities as to why a man and a woman would unite. He assumes that men and women would unite only out of weakness. However, it is plausible to suggest that men and women would unite for other reasons. Second, Rousseau's observation concerning the proportion of infancy to the species life span may be correct, but the argument is specious because the issue is not the duration of infancy and life among species. The length of life of a species is immaterial if an animal is not sufficiently protected and nourished until it is able to fend for itself. Thus, Rousseau's arguments do not demonstrate adequately that male and female have no reason to unite. The question - which will be examined later - arises as to whether or not Rousseau recognized the inadequacy of his arguments. If so, the question becomes one of understanding why Rousseau put forth these inadequate arguments.

Rousseau then argues the unlikelihood of men creating civil society to protect the aged.

> ... since old age is, of all ills, the one that human assistance can least relieve, they finally die without it being perceived that they cease to be, almost without perceiving it themselves.[64]

Finally, it is not plausible that men united to protect themselves from illnessess since it is only in society that

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64. Ibid., p. 109.

most illnesses develop.[65] To this point in the Discourse, Rousseau has examined physical man in the state of nature and concluded that society could not possibly have been founded on human physical needs.

Rousseau then considers man from the metaphysical side in the effort to ascertain those characteristics which the human species must have possessed in order to have evolved in the manner in which it did. He defines three metaphysical traits unique to homo sapiens. The first unique human characteristic is the capacity for free agency. Interestingly, this first characteristic distinguishing men from animals is a potential faculty and one which savage man, in the original state of nature, does not actually exercise. The discussion on free agency begins with a comparison between man and beast. A pigeon, frugivorous by nature, will not eat meat even if it is starving; a cat, carnivorous by nature, will not eat fruits and grains even if it is starving.[66] Beasts, as evidenced by the two examples, cannot deviate from the dictates of nature. Man, unlike beast, is not bound by instinct to nature's commands. Man must have the ability to reject nature's commands or he could never have evolved from a beast.

Rousseau then rejects the claim of the classical philosophers that reason distinguishes man from beast.

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65. Ibid., pp. 109-110.

66. Ibid., pp. 113-114.

> Every animal has ideas, since it has senses; it even combines its ideas up to a certain point, and in this regard man differs from a beast only in degree.[67]

According to Rousseau, both men and beasts combine ideas received from their senses. However, men, unlike beasts, combine more senses and thus have more ideas than beasts. Rousseau therefore argues that the mental processes experienced by both man and beast differ quantitatively as opposed to qualitatively. If both man and beast reason, it follows that reason cannot distinguish man from beast. Although reason does not distinguish man from beast, there is a type of reason, according to Rousseau which is qualitatively different from the one used by beast and most men. The use of a certain type of reason distinguishes various types of men. Throughout the Discourse, Rousseau reiterates the claim that one quality distinguishes one man from another man more than a man from a beast.

> Some philosophers have even suggested that there is more difference between a given man and another than between a given man and a given beast.[68]

> But to limit ourselves to the preceding reports, in the description of these supposed monsters are found striking conformities with the human species and lesser differences than those which could be assigned between one man and another. [69]

> I say that when such observers [Montesquieu,

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67. Ibid., p. 114.

68. Ibid., p. 114.

69. Ibid., p. 207.

> Buffon, Diderot, d'Alembert] will affirm of a given animal that it is a man and of another that it is a beast, they will have to be believed; but it would be too credulous to defer to crude travelers about whom one would sometimes be tempted to ask the very question that they meddle in resolving concerning other animals.[70]

The context of the first quote - reason does not distinguish man from beast - suggests that the quality is reason. The remaining two passages have been extrapolated from note (j) in which Rousseau argues that men resemble all other beasts in the state of nature. Even language, and consequently, reason does not differentiate man from beast. Thus, Rousseau implies that reason is not a trait which qualitatively distinguishes men from animals. However, it is a quality which differs qualitatively among men. Thus, the question arises as to the types of reason which exist. First, as discussed previously, there is the reason common to both man and beast: the reasoning achieved by combining the impressions received by the senses (taste, touch, hearing, smell, sight[71]). The second type of reason is clarified by returning to Montaigne's essay "Of the Inequality Among Us" from which Rousseau initially borrowed the idea of there being more difference between some men and others, than between a given man and a beast. In this essay, Montaigne argues that a vast inequality exists among men with regard to the qualities of

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70. Ibid., p. 213.

71. Ibid., p. 113.

their soul: not afraid of death, restraint of appetites (moderation), free from vanity.[72] Such a man is wise. In other words, wise men are not bound to their senses. To return to the Discourse, it would therefore appear that the reason which does not acquiesce to the senses is the one which distinguishes different types of men. If most human actions involve no more reasoning than that required by a beast, man must possess another faculty which explains how he was able to become qualitatively different from a beast. It is this faculty which Rousseau defines as free agency. However, in the state of nature, free agency is useless. It is useless because man's only care is self-preservation. Self-preservation dictates the intake of food, water and sleep. If man were to exercise freedom in the state of nature, he may make choices inimical to self-preservation. Consequently, man's freedom in the state of nature would be useless because a recognition of freedom would not advance self-preservation. If freedom is useless to man in the state of nature, it must therefore be non-existent.

> It was by a very wise providence that his potential faculties were to develop only with the opportunities to exercise them, so that they were neither superfluous and burdensome to him [man]

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72. Michel de Montaigne, "Of the Inequality Amongst Us", in The Essays of Michel de Montaigne, Vol. I, Book I, Chapter XLII, Translated by Charles Cotton (London: G. Bell & Sons, Ltd.), 1913, p. 300.

beforehand, nor tardy and useless when needed.[73]

If freedom does not exist in the state of nature it would appear to follow that the unique characteristic which Rousseau attributed to man is not really a characteristic distinguishing man from beast. However, the non-existence of free agency does not mean that man cannot be distinguished from beast. Rather, freedom is a potential faculty which differentiates man from beast. In the state of nature, man is indistinguishable from other animate creatures. However, he has the potential to become different, and one potential faculty which he possesses is the capacity to choose.

The second faculty unique to the human species is the potential faculty of self-perfectibility. Simply defined, self-perfectibility is:

> ... a faculty which, with the aid of circumstances, successively develops all the others, and resides among us as much in the species as in the individual.[74]

In the discussion of self-perfectibility, Rousseau observes that it is the faculty responsible for drawing man out of the state of nature, acquiring knowledge and is also the source of human evils. On the one hand, Rousseau asks several rhetorical questions about perfectibility in such a manner which belies that perfectibility is responsible for

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73. Ibid., p. 127.

74. Ibid., p. 114.

any of man's evils.

> It would be sad for us to be forced to agree that this distinctive and almost unlimited faculty is the source of all man's misfortunes; that it is this faculty which, by dint of time, draws him out of that original condition in which he would pass tranquil and innocent days; that it is this faculty which, bringing to flower over the centuries his enlightenment and his errors, his vices and his virtues, in the long run makes him the tyrant of himself and of nature. It would be horrible to be obliged to praise as a beneficent being the one who first suggested to the inhabitant of the banks of the Orinoco the use of those pieces of wood which he binds on the temples of his children, and which assure them at least a part of their imbecility and original happiness.[75]

On the other hand, note (i) which occurs in the discussion on self-perfectibility argues that human depravity is due to the acquisition of knowledge and the progress of man.[76] Although Rousseau states that self-perfectibility is responsible for the fall of man in the note, the question arises as to why he would not state it explicitly in the Discourse.

Having stated that self-perfectibility is responsible for the acquisition of human knowledge, Rousseau describes how knowledge, and thus self-perfectibility, operates. The roots of knowledge spring from two passions: desire and fear. Desires and fears exist only if one has an idea of them or else by the impulsion of nature. To desire or fear an object increases human understanding because man uses

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75. Ibid., p. 115, emphasis added.

76. Ibid., p. 193.

the mind as an aid to obtain that which he desires or eliminate that which he fears. In the state of nature, man has four desires: food, water, sleep and a female.[77] These desires do not exceed his physical needs because he is deprived of knowledge of any other desires. Rousseau thereby implies that an increase of needs would increase desires and consequently knowledge.

To this point, Rousseau has defined self-perfectibility and how it develops, but he also demonstrates that savage man, in the state of nature, does not exercise self-perfectibility. Perfectibility depends on general ideas.[78] General ideas, however, arise only if there is language.[79] In the state of nature, man does not possess language. He can therefore not possess self-perfectibility. Self-perfectibility, like free agency, is therefore only a potential faculty which distinguishes man from beast.

The third characteristic unique to man is the potential sentiment of pity.[80] Rousseau's discussion of pity is paradoxical: on the one hand, he states explicitly that savage man forcefully experiences pity; on the other hand, he implies that pity is experienced only by man in

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77. Ibid., p. 116.

78. Ibid., p. 124.

79. Ibid., p. 124.

80. Ibid., p. 130.

society. Analysis of Rousseau's discussion will not only reveal that savage man, in the state of nature, does not experience pity, but will also demonstrate why this "natural" sentiment is absent.

In refuting Hobbes' claim that the state of nature is a state of war among men, Rousseau argues that there is a principle operating in the state of nature which prevents men from engaging in needless violence.

> There is, besides, another principle which Hobbes did not notice, and which - having been given to man in order to soften, under certain circumstances, the ferocity of his vanity or the desire for self-preservation before the birth of vanity (o) - tempers the ardor he has for his own well-being by an innate repugnance to see his fellow-man suffer.[81]

Rousseau attributes this principle of needless violence in the state of nature to human pity.

> I speak of pity, a disposition that is appropriate to beings as weak and subject to as many ills as we are; a virtue all the more universal and useful to man because it precedes in him the use of all reflection; and so natural that even beasts sometimes give signs of it.[82]

Rousseau therefore suggests that savage man, in the state of nature, experiences pity. However, earlier in the Discourse, Rousseau states that the only virtues which savage man possesses, in the state of nature, are those which contribute to self-preservation.[83] Pity, by defin-

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81. Ibid., p. 130.

82. Ibid., p. 130.

83. Ibid., p. 128.

ition, contributes to the self-preservation of others. It therefore is not logical to conclude as Rousseau does that savage man experiences pity. Furthermore, Rousseau claims that pity is a disposition appropriate to weak beings. Yet, as discussed earlier, the law of nature governs the state of nature to create only strong and robust individuals. It is society that enable the weak to survive. If pity is appropriate for weak men who are subject to ills, it is appropriate for civil man and inappropriate to the strong savage man who, moreover, has only the passions he needs.

The universality and naturalness of pity, according to Rousseau, is supported by the observation that beasts manifest perceptible signs of pity.

> Without speaking of the tenderness of mothers for their young and of the perils they brave to guard them, one observes daily the repugnance of horses to trample a living body underfoot. An animal does not pass near a dead animal of its species without uneasiness. There are even some animals that give them a kind of sepulcher; and the sad lowing of cattle entering a slaughterhouse announces the impression they receive from the horrible sight that strikes them.[84]

Rousseau's undeveloped argument concerning the universality of pity can be stated as follows: even the lowly beast manifests signs of pity, and since men are higher than beasts, it must follow that men experience pity. Rousseau's argument, noble as it makes men appear, is

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84. Ibid., p. 130.

merely a persuasive, rhetorical analogy. It is invalid to conclude that pity is universal to man because beasts manifest signs of pity. If, as I have tried to demonstrate in this chapter, man is merely another beast in the state of nature who possesses only the potential to become different it follows that he like the other beasts does not experience pity, but rather, only manifests signs of pity.

The questions therefore arise as to when pity exists among men and what Rousseau means by arguing that pity is a natural sentiment. Rousseau describes two exemplary situations which elicit pity. First,

> ... an imprisoned man who sees outside a wild beast tearing a child from his mother's breast, breaking his weak limbs in its murderous teeth, and ripping apart with its claws the palpitating entrails of this child. What horrible agitation must be felt by this witness of an event in which he takes no personal interest![85]

Second,

> ... since daily in our theaters one sees, moved and crying for the troubles of an unfortunate person, a man who, if he were in the tyrant's place, would aggravate his enemy's torments even more - like bloodthirsty Sulla, so sensitive to ills he had not caused, or like Alexander of Pherae, who did not dare attend the performance of any tragedy lest he be seen moaning with Andromache and Priam, whereas he listened without emotion to the cries of so many citizens murdered daily on his orders.[86]

In both examples, pity is elicited only in society and is at its peak when an observer, who has no personal stake

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85. Ibid., p. 131.

86. Ibid., p. 131.

invested in the sufferer, witnesses an act of cruelty. If pity is at its peak when self-interest is not involved, it is plausible to suggest that pity would decrease in proportion to increased self-interest.

Although Rousseau would have us convinced that pity is a lovely sentiment so useful and beneficial to man, Rousseau's examples also suggest that only a certain type of man experiences pity. The imprisoned man is in a position of weakness thereby suggesting that only weak men feel pity. This observation is supported by Rousseau's example of Alexander of Pherae. This example was extrapolated from Montaigne's essay "Cowardice the Mother of Cruelty".[87] In this essay, Montaigne argues that cruelty - that which exceeds a simple death - originates from weak, vain men primarily concerned with their reputation. Undue preoccupation with their reputation leads them to venge anyone whom they perceive to besmirch their honor. It is this desire for revenge which causes people to be cruel. Cruelty, for Montaigne, has its roots in human weakness: vanity and a concern with honor. Given Montaigne's argument, Alexander of Pherae can be defined as a vain, vengeful coward.

> When the tyrant brought Pelopidas to Pherae, at first he [Alexander of Pherae] permitted those

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87. Michel de Montaigne, "Cowardice the Mother of Cruelty," in The Essays of Michel de Montaigne, Vol. II, Translated by Charles Cotton, (London: G. Bell and Sons, Ltd.), 1913, pp. 416-426.

> that desired it to speak with him, imagining that this disaster would break his spirit and make him appear contemptible.[88]

> He was aware of his [Alexander's] savageness, and the little value he had for right and justice, insomuch that sometimes he buried men alive, and sometimes dressed them in bear's and boar's skins, and then baited them with dogs, or shot at them for his divertisement.[89]

According to Montaigne's argument, Alexander was cruel because he was a coward. Rousseau, by using Montaigne's example, suggests that pity is an emotion experienced by weak, vain men. Such a conclusion would be consistent not only with what was earlier stated, but would also be consistent with Juvenal's satire.

Following the examples of when pity is elicited, Rousseau extracts the following quote from Juvenal's Satires. "Nature, who gave men tears, confesses she gives the human race most tender hearts".[90] In Satire XV, Juvenal recounts a tale of two Egyptian towns, Ombi and Tentyra. The vanity and revenge of each resulted in war.

> There are two neighboring towns, Ombi by name,
> and Tentyra,
> Burning with hate for each other, a rivalry deep
> and long-lasting,
> A wound that can never be healed. On each side
> passionate fury
> Rises high, and the people despise the gods of

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88. Plutarch, "Life of Pelopidas", Plutarch's Lives and Writings, Volume II, Edited by A. H. Clough, W. W. Goodwin, (Boston: Little, Brown and Company), 1909, pp. 227-228, emphasis added.

89. Ibid., p. 229, emphasis added.

90. Rousseau, Discourse, p. 131.

their neighbors,
Thinking that only their own are the kind that deserve recognition.
When it was time for a feast, the leaders and chiefs of one village
Thought it a wonderful chance to interfere with the other,
So that they might not enjoy a day that was happy and festive ...[91]

According to Juvenal, the atrocities of the war, such as cannibalism, were wrong. War, in and of itself is not wrong, but inflicting needless suffering upon another human being is wrong and springs from human weakness.

No wild Cimbrian man, no barbarous Briton, no savage
Horde from the steppes, no monstrous Agathyrsians ever
Raged like this weak mob, this useless and cowardly rabble,
Hoisting their patches of sail on the masts of their crockery vessels,
Pulling their puny oars on painted earthenware dinghies.
A punishment fitting the crime you never will find for these people
In whose minds, it seems, anger is equal to hunger.[92]

Juvenal, like Montaigne, argues that cruelty is inflicted by cowards. Unlike Montaigne, Juvenal contends that pity was bestowed upon man, by nature, to refrain him from inflicting needless suffering upon others. Thus, pity, for Juvenal, is a sentiment necessary to combat human frailties: vanity, vengefulness, and cruelty. Given Juvenal's

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91. Juvenal, "Satire XV: On the Atrocities of Egypt", The Satires of Juvenal, Translated by Rolfe Humphries, (Bloomington: Indiana University Press), 1958, lines 33-40, p. 176.

92. Ibid., lines 125-130, pp. 179-180, emphasis added.

satire in the context of Rousseau, it appears that Rousseau is maintaining that pity is a weakness necessary to vain men. In other words, vanity, a human weakness, fosters pity, another human weakness, in order to curb the detrimental effects of vanity. It is at this point that Rousseau's definition of pity as a sentiment which tempers vanity begins to make sense.

Rousseau not only implies that pity is appropriate to weak beings, but he also states that pity is a natural virtue[93] which develops after reason[94] and prior to reflection.[95] If reason precedes pity, and pity is natural, the question arises as to Rousseau's understanding of natural because savage man - supposedly the most natural man - does not experience pity. Having defined pity, Rousseau states that savage man has the ability to commiserate.[96] Although commiseration is similar in meaning to pity, Rousseau distinguishes the two words. Pity tempers vanity to prevent cruelty; commiseration is identification with the suffering person.[97] Vanity, to esteem oneself more than any other person,[98] precludes

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93. Rousseau, Discourse, p. 130.

94. Ibid., p. 131.

95. Ibid., p. 130.

96. Ibid., p. 132.

97. Ibid., p. 132.

98. Ibid., p. 222.

identification.[99] Consequently, the person who commiserates cannot be vain. Those who are vain need pity, those who are not vain can commiserate. Commiseration, according to Rousseau, is closer in the state of nature than it is in the state of reasoning.[100] However, savage man, in the original state of nature regards

> ... himself as the sole spectator to observe him, as the sole being in the universe to take an interest in him, and as the sole judge of his own merit ...[101]

If savage man cannot recognize others, it is simply not possible that he can identify and thus commiserate with others. Rousseau's statement that commiseration exists in the state of nature remains an enigma. At this point in the Discourse, however, Rousseau introduces the philosopher.

For Rousseau, vain men possess reason. The philosopher - supposedly the most reasonable of men - and logically, the most vain, has no pity. Yet if pity supports reason, the philosopher should experience pity. To say the least, one could easily conclude that Rousseau's discussion of pity is paradoxical, contradictory and difficult. It is for this reason that the discussion craves analysis. First, it must be noted that Rousseau

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99. Ibid., p. 132.

100. Ibid., p. 132.

101. Ibid., p. 222.

distinguishes reason from reflection. Second, pity precedes reflection. Thus, reflection is a state of thinking which succeeds reason. Reflection - philosophy[102] - isolates an individual[103] to the point where he is separated from all that is not part of him.[104] In other words, philosophy makes a man solitary and independent and thus represents, in some ways, the savage man in the state of nature. At one point in the Discourse, Rousseau states that he could "almost dare affirm that the state of reflection is a state contrary to nature".[105] However, Rousseau did not affirm that the state of reflection is opposed to nature, thereby implying that reflection is not contrary to nature. If the state of reflection is analogous to the state of nature, it would follow that the philosopher who reflects is also able to commiserate. In conclusion, the philosopher, a man who is not vain, commiserates; civil man who is vain pities; savage man, in the original state of nature, being a beast has only the potential to pity or to commiserate. Although Rousseau's discussion of pity may be, to some extent, clarified, the

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102. The evidence for associating philosophy with reflection is that Rousseau's Discourse suggests that philosophers reflect. For example Rousseau refers to his arguments as reflections pp. 119, 120, 141 and even refers to them as philosophic reflections, p. 220.

103. Ibid., p. 132.

104. Ibid., p. 183.

105. Ibid., p. 110, emphasis added.

question arises as to why Rousseau took such pains to hide the truths concerning pity.

To this point in the Discourse, Rousseau has examined physical man as a being which has evolved from the animal kingdom and has discovered no reason why men, in the state of nature, would unite to form civil society. Rousseau then examined man from the metaphysical aspect and concluded that man, to be properly defined a man, must have three potential faculties: free agency, self-perfectibility and pity. Man, merely another animal, had no reason to unite. Rousseau was therefore faced with the difficulty of explaining the rise of the arts, sciences and even more fundamental, civil society.

> After having shown that perfectibility, social virtues, and the other faculties that natural man had received in potentiality could never develop by themselves, that in order to develop they needed the chance combination of several foreign causes which might never have arisen and without which he would have remained eternally in his primitive condition, it remains for me to consider and bring together the different accidents that were able to perfect human reason while deteriorating the species, make a being evil while making him sociable, and from such a distant origin finally bring man and the world to the point where we see them.[106]

For Rousseau, civil society, and thus the institution of property was an historical "accident". The purpose of the following chapter is to explain why property came into being according the second part of the Discourse.

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106. Ibid., p. 140.

Chapter III

Rousseau's Account of Property

Society, for Rousseau, is founded on human needs. The preceding chapter, however, demonstrated that savage man, in the state of nature, could satisfy his needs. It therefore seems illogical to argue that Rousseau's account of society is based on human needs. To demonstrate the validity of Rousseau's argument that society is founded on human need, the following chapter is divided into two sections. The first section discusses needs as they exist in the state of nature and contrasts them with their existence in civil society. This comparison reveals the degree to which human needs differ in the two states. If needs in civil society differ from those in the state of nature, it would be feasible to argue that civil society is founded on human needs. However, it would be necessary to demonstrate why and how the transformation in human needs occurred: a task which is reserved for the latter part of the chapter.

A. Human Needs

Of the three individual physical needs described in the Discourse, food is the first.[107] A cursory reading of the Discourse reveals Rousseau's apparent ambivalence concerning man's natural diet. On the one hand, Rousseau has taken great pains to provide evidence and to develop

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107. Rousseau, Discourse, p. 105.

arguments demonstrating that man is naturally frugivorous.

> The height of trees which prevented him from reaching their fruits, the competition of animals that sought to nourish themselves with these fruits, the ferocity of those animals that wanted to take his very life, all obliged him to apply himself to bodily exercises.[108]

> It therefore seems that man having teeth and intestines like those of frugivorous animals, should naturally be placed in that class ...[109]

> ... it is sufficient for me to have shown in this part the most general system of nature, a system which furnishes a new reason to withdraw man from the class of carnivorous animals and to place him among the frugivorous species.[110]

On the other hand, although Rousseau has taken great pains to argue that man is frugivorous, elsewhere in the Discourse, he implies that man is carnivorous.

> His self-preservation being almost his only care, his best-trained faculties must be those have as principal object attack and defense, either to subjugate his prey ... [111]

> Was it a matter of catching a deer, everyone clearly felt that for this purpose he ought faithfully to keep his post; but if a hare happened to pass within reach of one of them, there can be no doubt that he pursued it without scruple ...[112]

The apparent paradox concerning man's natural eating habits craves analysis. Despite Rousseau's curious attempts in

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108. Ibid., pp. 142-143, emphasis added.

109. Ibid., p. 188.

110. Ibid., p. 192.

111. Ibid., p. 112, emphasis added.

112. Ibid., p. 145.

notes (e) and (h) to argue that man is naturally frugivorous, a thorough analysis of the notes reveals that Rousseau must actually believe that man is naturally carnivorous. Rousseau's arguments concerning man's frugivorous diet have not only been constructed to avoid the probing eyes of the "vulgar reader", but also to seize the attention of the "attentive reader". The attention to man's diet is essential, for it is man's natural eating habits which provides the impetus for leaving the state of nature and entering civil society. The care which Rousseau has taken to construct arguments proving that man is a frugivore requires that care also be taken to demonstrate that Rousseau's real intention is to show that man is a carnivore.

Note (e) begins with Rousseau's observations concerning the physical differences between carnivores and frugivores.

> Among the quadrupeds the two most universal distinguishing characteristics of voracious species are derived from the shape of the teeth and the conformation of the intestines. Animals that live on vegetables all have blunt teeth like the horse, ox, sheep, hare, but voracious animals have pointed ones like the cat, dog, wolf, fox. And as for the intestines the frugivorous ones have some, such as the colon that are not found in voracious animals. It therefore seems that man, having teeth and intestines like those of frugivorous animals, should naturally be placed in that class ...[113]

The first observation to be made is that the first three

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113. Ibid., pp. 187-188.

words of note (e) are "among the quadrupeds", yet, as pointed out in Chapter I, Rousseau clearly states that the natural history of man commences with bipedalism. Thus, from the outset of the analysis, it appears that the universal characteristics distinguishing voracious from frugivorous animals are not applicable to man.

To reach the conclusion that man is frugivorous, Rousseau starts with the observations that voracious species have pointed teeth and no colon, whereas, frugivorous animals have blunt teeth and a colon. He then concludes that man, having a colon and blunt teeth, must be a frugivore. Two reasons militate against accepting the conclusion: first, Rousseau systematically "confuses" the definition of "voracious" with "carnivorous"[114]; second, his observations concerning the physical characteristics of voracious and frugivorous species are incorrect.

By definition, furgivorous animals live on fruits, vegetables and grains; carnivorous animals subsist on flesh; and finally, voracious animals are distinguished not by the content of their diet, but rather, by the manner in which they eat. Voracious animals can either eat vast

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114. I have referred to a French edition of Rousseau's Second Discourse to ensure that Masters has correctly translated "voracious", "carnivorous", and "frugivorous". Jean-Jacques Rousseau, "Discourse Sur l'Origine et Les Fondements de l'Inegalité Parmi Les Hommes", ed. J. L. Lecercle, (Paris: Editions Sociales), 1977.

amounts of food or devour their food.[115] Rousseau's first statement - "among the quadrupeds the two most universal distinguishing characteristics of voracious species" - suggests that the note will discuss voracious carnivores and frugivores. However, by stating that voracious species have pointed teeth and no colon, Rousseau associates voracious animals with carnivores, thereby suggesting that he is no longer referring to voracious species in general. If his argument is to be internally consistent, the conclusion which should follow using the general definition of "voracious" is that voracious species are characterized by having either pointed or blunt teeth, and may or may not have a colon. The question would then remain open as to whether or not man is a natural frugivore.

Rousseau's "conclusion" is not only invalid because he has exploited the confusion he has created concerning the definition of voracious, but also because the evidence supporting the conclusion is false. Rousseau contends that frugivores such as the horse, ox, sheep and hare have a colon, whereas, carnivores such as the dog, cat, wolf and fox do not have a colon. Man, having a colon, must therefore be a frugivore. Yet, of the eight examples cited by Rousseau, each species has a colon as opposed to the

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115. The definition of voracious has been taken from Le Petit Robert: Dictionnaire, (Paris: Societe du Nouveau Littre), 1978, s.v.

four which Rousseau mentions. The logic of Rousseau's argument therefore fails. It could be objected, with justification, that Rousseau was not aware that the cat, wolf, dog and fox had colons. If so, it would follow further that Rousseau's conclusion concerning the frugivorous nature of man would be valid given his limited knowledge. If, however, Rousseau was aware that his observations were incorrect, it would suggest that he recognized that his arguments were specious.

The question arises as to how one can determine the extent of Rousseau's knowledge concerning animals. During the period in which Rousseau lived, M. de Buffon researched and wrote a twelve-volume account which depicts, in painstaking detail, the physical characteristics, foods, sexual courting and other relevant traits of most animals known to man. In note (b), Rousseau acknowledges his debt to M. de Buffon by noting that he

> ... is one of those authorities that are respectable for philosophers because they come from a solid and sublime reason which philosophers alone know how to find and appreciate.[116]

It is therefore plausible to conclude not only that Rousseau read Buffon's writings, but also that if Rousseau's observations contradicted those of Buffon, Rousseau would be aware of this fact, and thus, would be aware that his arguments were based on false evidence.

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116. Ibid., p. 182.

In the section on dogs, Buffon discusses the colon of the dog.[117] Although there is no explicit reference to the presence of a colon in the sections which discuss the cat, wolf or fox, Buffon not only notes that wolves, foxes and dogs are remarkably similar in external appearance, but are even more alike in their internal structure.[118] It therefore appears that Rousseau was aware of his "mistake". Although it is not yet possible to conclude that Rousseau maintains that man is a carnivore, serious doubts have been raised about the evidence which he provides concerning man's frugivorous nature.

Although it is possible that Rousseau develops his reflections to show that Buffon's observations are incorrect, a comparison of Buffon with Rousseau's rules concerning the relationship between the digestive system and dietary habits demonstrates that Rousseau has distorted Buffon's observations to reach this false conclusion. Buffon's rule states:

> ... in such a way that man and animals, whose stomach and intestines do not have enough capacity to permit a very large amount of food, could not take enough grass to extract the quantity of organic molecules necessary for their nutrition, and it is for this reason that man and the other animals who have only one stomach, can live only on flesh and grains, which in a small volume contain a very large quantity of nutritious organic molecules, whereas the cow

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117. Buffon, Oeuvres Complètes de Buffon, Tome Deux, (Paris: Garnier Frères), 1853, pp. 494-495.

118. Ibid., pp. 573 and 582.

and other ruminating animals, which have several stomachs, one of which is very large, and which consequently can be filled with a large volume of grass, while extracting enough nutritious organic molecules, grow and reproduce; the quantity compensates here for the quality of the food ...

One will not fail to object that the horse has one stomach, which is quite small; that the donkey, the hare and other animals which live on grass also have one stomach, and consequently this explanation, although reasonable, is perhaps neither true nor well-founded; however, these exceptions are far from destroying my explanation, they seem to me on the contrary to confirm it; because although the horse and the donkey have only one stomach, they have pockets in their intestines of such a large capacity that one can compare them to the belly of ruminating animals, and the hares have a caecum intestine of such length and such diameter that it is at least equivalent to a second stomach ...[119]

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119. For the convenience of the reader, all references to Buffon in the thesis are my translation. For those readers familiar with French, I have supplied the original passages from Buffon.

... en sorte que l'homme et les animaux, dont l'estomac et les intestins n'ont pas assez de capacité pour admettre un très-grand volume d'aliments, ne pourraient pas prendre assez d'herbe pour en tirer la quantité de molécules organiques necessaire a leur nutrition; et c'est par cette raison que l'homme et les autres animaux qui n'ont qu'un estomac, ne peuvent vivre que de chair ou de graines, qui dans un petit volume contiennent une très-grande quantité de ces molécules organiques nutritives, tandis que le boeuf et les autres animals ruminants, qui ont plusieurs estomacs, dont l'un est d'une très-grande capacité, et qui par conséquent peuvent se remplir d'un grand volume d'herbe en tirent assez de molécules organiques pour se nourrir, croître et multiplier; la quantité compense ici la qualité de la nourriture ...

On ne manquera pas de m'oppose que le cheval n'a qu'un estomac, et même assez petit; que l'âne, le lièvre, et d'autres animaux qui vivent d'herbe n'ont aussi qu'un estomac, et que par conséquent cette explication, quoique vraisemblable, n'en est peut-être ni plus vraie ni mieux fondée, cependant, bien loin que ces exceptions apparentes la détruisent, elles me paraissant au contraire la confirmer; car quoique le cheval et l'âne n'aient qu'un grande capacité, qu'on eput les comparer à la panse des animaux ruminants, et les lièvres ont l'intestin coecum d'une si

From Buffon's passage, two conclusions emerge which have a significant bearing on Rousseau's note. First, the ox, hare, sheep and horse can be considered voracious because of the vast amounts of food they consume; the dog, cat, wolf and fox can be defined as voracious because they devour their food. Rousseau's eight examples are voracious, and this fact seems to support the earlier claim that Rousseau confuses the definition of "voracious" in his argument. Second, Rousseau's rule states that the presence of a colon indicates the frugivorous nature of a species. However, the dog, cat, wolf and fox are carnivorous and yet have a colon. Of the eight examples cited, Buffon's rule holds for all species, whereas Rousseau's rule does not. It seems to follow that the evidence for man's frugivorous nature is questionable, to say the least, and moreover, that Rousseau knows it.

In concluding note (e), Rousseau assures his readers that the great works of antiquity endorse the opinion that man is naturally frugivorous.[120] By appealing to ancient works, Rousseau is arguing that an opinion that has been held throughout the ages must be valid. However, his argument is an argumentum ad verecundiam; an argument which

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119. ... grande longeur et d'un tel diamètre, qu'il équivaut ou moins a un second estomac ...
Buffon, Tome Deux, pp. 427-428.

120. Rousseau, Discourse, p. 188.

is justified not on its merits, but rather, because tradition sanctifies it. Further, the traditional authority to whom Rousseau refers is not an authority. Presumably, the greatest classical work concerning the eating habits of animals and man would be Aristotle's On the Parts of Animals; possibly, Rousseau could be referring to man's eating habits as discussed in the works of Plato. However, it is odd, to say the least, that Rousseau chose an obscure work such as St. Jerome's Against Jovianus and endowed it with the title "a great work of antiquity" as authoritative evidence that man is a frugivore. At this point, it is important to note that Rousseau explicitly suggests that man's frugivorous nature is merely "opinion", as opposed to being knowledge.[121] The fact that man's frugivorous nature is merely an opinion coupled with the fact that the "authority" on man's frugivorous nature is extremely obscure provides tangible evidence that Rousseau was aware of the superficial nature of his arguments.

Examination of note (h) confirms the suspicion that Rousseau's intention is to demonstrate to the attentive reader that man is a carnivore while persuading the vulgar reader that man is a frugivore. For purposes of later

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121. The task of philosophy is to replace opinion with knowledge. Since Rousseau, by his own admission (p. 188) is a philosopher, he is seeking to replace opinion with knowledge. To call something an opinion, therefore, is not to say that it is true. Saint Jerome's book confirms an opinion, an opinion which does not seem to be true.

analysis, Rousseau's observations on the differences between frugivores and carnivores deserve to be quoted at length.

> I believe I see another difference between carnivorous and frugivorous animals which is still more general than the one I remarked upon in note (e) since this one extends to birds. The difference consists in the number of young which never exceeds two in each litter for the species that live only on vegetables and which ordinarily goes beyond this number for voracious animals. It is easy to know nature's design in this regard by the number of teats, which is only two in each female of the first species like the mare, cow, goat, doe, ewe, etc. and which is always six or eight in the other females like the bitch, cat, wolf, tigress, etc. The hen, goose, duck, which are all voracious birds, as are the eagle, sparrowhawk, screech-owl, also lay and hatch a large number of eggs, which never happens to the pigeon, turtle-dove, nor to birds that eat absolutely nothing except grain, which hardly ever lay and hatch more than two eggs at a time. The reason that can be given for this difference is that animals that live only on grasses and plants, remaining almost the entire day at pasture and being forced to spend much time nourishing themselves could not be adequate to the nursing of several young; whereas, voracious ones having their meal almost in an instant can more easily and more frequently return to their young and their hunting, and compensate for the dissipation of such a large quantity of milk. There would be many particular observations and reflections to make about all this, but this is not the place for them, and it is sufficient for me to have shown in this part, the most general system of nature, a system which furnishes a new reason to withdraw man from the class of carnivorous animals and to place him among the frugivorous species.[122]

My thesis, unlike Rousseau's Discourse, is the proper place for particular observations and reflections. A comparison

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122. Rousseau, Discourse, pp. 191-192.

of Buffon's with Rousseau's rules concerning the number of young which carnivorous and frugivorous females bear reveals Rousseau's rule to be specious.

In his introduction to birds, Buffon states

> Birds of prey are not as fecund as other birds: most of them lay only a small number of eggs ... There are those, like the eagle and the sparrow-hawk which have only two eggs, and others, like the waterfowl and the merlin, which lay up to seven eggs; it is, in this respect, that birds are like quadrupeds; the number of the multiplication by generation is in inverse ratio to their size; the large birds produce less young than the small birds. This law appears to me generally established in all orders of living nature; however, one could object citing the examples of pigeons which, although small, that is to say, a medium size, produce only two eggs and smaller birds which ordinarily produce five; but it is necessary to consider the absolute product for a year, and not forget that the pigeon, which lays only two and sometimes three eggs each time, does often have two, three and four layings from spring to autumn.[123]

Buffon's rule states that larger animals bear less young

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123. Les oiseaux de proie ne sont pas aussi féconds que les autres oiseaux: la plupart ne pondent qu'un petit nombre d'oeufs ... Il y en a qui, comme la grand aigle et l'orfraie ne donnent que deux oeufs, et d'autres, comme la cresserelle et l'émérillon, qui en font jusqu'a sept; il en est, à cet égard, des oiseaux comme des quadrupèdes: le nombre de la multiplication par la génération est en raison inverse de leur grandeur; les grands oiseaux produisent moins que les petits, et en généralement établie dans tous les ordres de la nature vivante; cependant on pourrait m'opposer ici les exemples des pigeons qui, quoique petits, c'est-à'dire d'une grandeur médiocre, ne produisent que deux oeufs, et des plus petits oiseaux qui n'en produisent ordinairement cinq mais il faut considérer le produit absolu d'une année, et ne pas oublier que le pigeon, qui ne pond que deux et quelquefois trois oeufs pour une seule couvée, fait souvent deux, trois, et quatre ponts du printemps a l'automne ...
Buffon, Tome Cinq, pp. 44-45.

than smaller animals; Rousseau's rule states that female carnivores bear more young than female frugivores. Two examples will illustrate that Rousseau's rule is incorrect. First, Rousseau states that frugivorous females such as the mare, cow, goat, doe and ewe have two teats. However, the cow has four teats. Second, Rousseau's rule, unlike Buffon's, cannot account for bears who have two teats. In the discussion of bears, Buffon writes:

> ... it is necessary to distinguish two types of terrestrial bears, the brown and the black, which have neither the same inclinations, nor the same natural appetites ... The brown is ferocious and carnivorous, the black is only ferocious and constantly refuses to eat flesh.[124]

> ... because the bear (the brown and the black) produce only a small number, one, two, three, four and never more than five; a characteristic common to all large animals, which do not have a lot of young ...[125]

According to Rousseau's law of nature, the black bear, being carnivorous, should have less young than brown bears. Yet, according to Buffon's information, black and brown bears give birth to the same number of cubs.

The second reason for questioning Rousseau's conclu-

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124. ... il faut distinguer deux éspeces dans les ours terrestres, les bruns et les noirs, lesquels n'ayant pas les mêmes inclinations, les mêmes appétits naturels ... Le brun est féroce et carnassier, le noir n'est que farouche, et refuse constamment de manger de la chair.
Buffon, Tome Deux, p. 643.

125. ... parce que l'ours (le brun et le noir) ne produit qu'en petit nombre, un, deux, trois, quatre et jamais plus de cinq; proprieté commune avec tous les gros animaux, qui ne produisent pas beaucoup de petits ...
Buffon, Tome Deux, p. 643.

sion concerning carnivorous birds is his ambiguous use of the word "voracious". Rousseau states that the hen, goose and duck are voracious like the eagle, sparrow-hawk and screech-owl. By contrasting the hen, goose, duck, eagle, sparrow-hawk and screech-owl with the pigeon and the turtle dove, Rousseau gives the impression that the first six species are carnivorous and the latter two are frugivorous. However, it must be recognized that hens, geese and ducks are omnivorous and not carnivorous. Hens eat grains, vegetables, insects and finely chopped meat;[126] geese and ducks eat small fish in addition to vegetable matter.[127] Eagles, sparrow-hawks and screech-owls are strictly carnivores who kill and eat mice, rats, snakes, lizards and smaller birds.[128] According to Rousseau's rule, the strict carnivores - eagles, sparrow-hawks, screech-owls - should lay more eggs than the omnivorous birds. However, the three carnivorous birds lay considerably fewer eggs than the three omnivores. According to Buffon, eagles lay two eggs, sparrowhawks lay four or five eggs, and screech-owls lay five eggs, whereas, hens lay

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126. Buffon, Tome Cinq, p. 280.

127. Buffon, Tome Cinq, pp. 425-426.

128. For dietary habits of the eagle, refer to Buffon, Tome Cinq, p. 53; for dietary habits of the screech-owl refer to Buffon, Tome Cinq, p. 188, and for the dietary habits of the sparrow-hawk refer to Buffon, Tome Cinq, p. 121.

25-30 eggs and geese and ducks lay 15-24 eggs.[129] Contrary to Rousseau's statement, carnivorous birds do not have as many young as omnivorous birds.

The third reason why Rousseau's evidence is incorrect is that Buffon clearly demonstrates that birds of prey lay fewer eggs than other birds. Rousseau states that birds of prey lay more eggs than other birds. Fourth, Rousseau uses Buffon's two examples of frugivorous birds which do not lay more eggs than carnivorous birds. Buffon states that pigeons and turtle-doves do not lay large number of eggs at a time, but these are the only two examples contrary to his observation that birds of prey lay less eggs than omnivorous or frugivorous birds. Rousseau has used the only two exceptions to Buffon's rule to support a specious conclusion.

In concluding note (h), Rousseau offers the hypothesis that frugivorous females need to spend more time eating, and therefore, cannot adequately nurse several young. Yet, the issue may not be nourishment, but rather, protection. Frugivores, by nature of their diet, do not need to attack and fight other animals for their nourishment. Rather, these animals are the diet of carnivores. Consequently,

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129. For the eagle refer to Buffon, Tome Cinq, p. 53; for the sparrow-hawk refer to Buffon, Tome Cinq, p. 121; for the screech-owl refer to Buffon, Tome Cinq, p. 188; for hens refer to Buffon, Tome Cinq, p. 290; for geese refer to Buffon, Tome Cinq, p. 426; for the duck refer to Tome Cinq, p. 466.

frugivores need to run from predators. A female frugivore must give birth to well-developed young which are able to run within a matter of days. If a female gives birth to well-developed young, she cannot possibly give birth to six or seven at once because of the natural physical limits of her body. Carnivorous species, in their infancy, are not subject to the same dangers of predators to which frugivores are subjected. Thus, carnivorous species do not need well-developed young, and therefore, are able to give birth to more, undeveloped young. The human female, like all carnivores, gives birth to relatively helpless young which provides additional evidence that man is naturally carnivorous.

The similarity of man's intestines to carnivores; Rousseau's suggestion that man's frugivorous diet is mere opinion; the numerous false observations in Rousseau's notes on the differences between frugivores and carnivores; the fact that women give birth to undeveloped young: all of these observations indicate that the history of man must presuppose that he is a carnivore. Rousseau's speciously constructed arguments concerning the human diet suggest that man's eating habits are central to understanding the Discourse. In addition to resolving the question of why Rousseau persuades the "vulgar reader" that man is a frugivore, it is necessary to explain why Rousseau is convinced that man is naturally carnivorous. The latter

question is, to some extent, addressed by Rousseau at the end of note (e).

> For as prey is almost the unique subject of fighting among carnivorous animals, and as frugivorous ones live among themselves in continual peace, if the human race were of this latter genus it clearly would have had much greater ease subsisting in the state of nature and much less need and occasion to leave it.[130]

In the preceding passage, Rousseau implies that if man were a carnivore, it would be easy to understand the reasons for his leaving the state of nature. Man as a frugivore would not enter society; man as a carnivore would leave the state of nature. The question, which will be addressed later, is why carnivores, unlike frugivores, would institute civil society. Regardless of the reason, Rousseau does suggest that man's carnivorous nature plays a significant role in man's transition from the state of nature to civil society.

Not only must the transition from the state of nature to civil society be explained, but also, Rousseau's account of property must explain the transformation of man from primarily a carnivore to primarily a frugivore. Civil society, based on property, requires agriculture.

> But from the moment one man needed the help of another, as soon as they observed that it was useful for a single person to have provisions for two, equality disappeared, property was introduced, labor became necessary; and vast forests were changed into smiling fields which had to be watered with the sweat of men, and in which

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130. Rousseau, Discourse, p. 188, emphasis added.

> slavery and misery were soon seen to germinate and grow with the crops. Metallurgy and agriculture were the two arts whose invention produced this great revolution.[131]
>
> From the cultivation of land, its division necessarily followed ...[132]

Man, in the state of nature, eats flesh; man, in civil society, eats grains. For property to exist, man's natural carnivorous inclinations are transformed, and Rousseau's account must therefore explain the change.

Rousseau identifies the second primary human need of savage man as water.[133] A comparison of how man uses water in the state of nature with how man employs water in civil society makes manifest the differences between the two states. More important, however, is that the comparison will demonstrate that the transformation of the need for water is dependent on the transformation of man's diet.

In the state of nature, Rousseau suggests that the need for water is limited to satisfying individual thirst. In civil society, Rousseau mentions two additional uses for water. As noted in the discussion on man's need for food, agriculture is necessary and concomitant with the advent of property. Crops demand water, and where rainfall is inadequate this water must be supplied by irrigation. Second, Rousseau implies that the rise of agriculture is

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131. Ibid., pp. 151-152, emphasis added.

132. Ibid., p. 154.

133. Ibid., p. 105.

accompanied by the use of wine and liquor. In Part I of the Discourse, Rousseau associates wine-making with agriculture.

> ... that they had guessed how land must be cultivated, grains sown, and trees planted; that they had discovered the art of grinding wheat and fermenting grapes ...[134]

Further, Rousseau observes that the savages - those people like the Hottentots and Caribs living in a state of nature - have no liquor or wine. Rather, it is the Europeans - those peoples who practice the art of agriculture - who have ruined the savages with liquor.[135] The relationship between agriculture and liquor can be easily seen. For example, wine requires grapes; beer requires hops; whiskey requires rye. It seems plausible to conclude that the use of spirits is concomitant with the rise of agriculture.

Finally, Rousseau's account of property must also explain the rise of certain kinds of knowledge, since civil men know how to control the flow of water with irrigation systems and wells, whereas savage man does not have this kind of knowledge, having no need for it. From the preceding comparison, it can be seen that man requires substantially more water in civil society than in the state of nature. The increase of water comes with agriculture. To explain the rise of agriculture, however, requires an

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134. Ibid., p. 118.

135. Ibid., p. 118.

explanation of why man changed from a nomadic carnivore to a pastoral omnivore. To explain why man's need for water transforms as men enter civil society is not difficult; to explain why man's diet changed is not easy. Thus, the transformation of the need for water is bound to the change which occurred in the human diet.

The third need of savage man identified by Rousseau is repose.[136] Like the need for water, the transformation of this need is linked to the change in the human diet. Savage man, in the state of nature, works only as hard and as long as is necesary to seek and devour his prey and slake his thirst. Having sated his needs:

> Alone, idle and always near danger, savage man must like to sleep, and be a light sleeper like animals which thinking little, sleep, so to speak all the time they do not think.[137]

Rousseau thereby posits a direct relationship between sleep, industry and knowledge. Increased knowledge results in a corresponding increase in industry, and consequently, a decline in the amount of sleep. This observation is supported by Rousseau's numerous references throughout the Discourse.

> It was necessary to make more progress, to acquire more <u>industry and enlightenment</u> ...[138]

<u>His knowledge and his industry</u> are limited to

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136. <u>Ibid</u>., p. 105.

137. <u>Ibid</u>., p. 112.

138. <u>Ibid</u>., p. 142, emphasis added.

> jumping, running, fighting, throwing a stone, scaling a tree.[139]

> The more the mind was enlightened, the more industry was perfected.[140]

Civil man, unlike savage man subsisting in the original state of nature must seed, tend and harvest the land. To farm land requires not only industry, but also several types of knowledge which savage man did not need, and consequently, did not possess.

> Let us suppose that without forges and workshops, the implements for farming had fallen from heaven into the hands of the savages; that these men had conquered the mortal hatred they all have for continuous labor; that they had learned to foresee their needs so long in advance, that they had guessed how land must be cultivated, grains sown, and trees planted; that they had discovered the art of grinding wheat and fermenting grapes - all things they would have had to be taught by the gods, as it is impossible to imagine how they could have learned them by themselves.[141]

Thus, to explain the transformation of man from a carnivore to a frugivore would not only be to account for the acquisition of foresight, memory and knowledge of agriculture, but also to account for the corresponding increase in industry and the decline in sleep.

Rousseau describes the fourth human male need as the need for a female.[142] The Discourse is structured to

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139. Ibid., p. 189, emphasis added.

140. Ibid., p. 146.

141. Ibid., p. 118.

142. Ibid., p. 116.

distinguish the sexual need from the other needs, thereby suggesting its probable significance. At the outset of Part I, Rousseau introduced hunger, thirst and repose as three human physical needs.[143] Sex is introduced in Rousseau's discussion concerning the metaphysical side of man and is identified not as a need, but as a desire.[144] However, savage man's desires are circumscribed by his physical needs. In other words, the metaphysical side of savage man in the original state of nature consists only of physical desires whereas the physical side of savage man consists in the three needs vital to self-preservation. There are at least two reasons why sex differs from the previous three needs, and thus, explains why Rousseau calls the reader's attention to the "need" by identifying it separately. First, sex is only strictly necessary to the survival of the species, whereas, food, water and sleep are essential to individual preservation. Second, the transformation of the needs for water and sleep were seen to be linked to the change in man's natural diet, whereas, sex is not. Rather, as will be seen, sex is the catalyst responsible for the transformation in man's diet. Rousseau's ostensible criticism of Locke in note (1) masks his account of the male-female union, and thus, provides a useful starting point for attempting to understand the

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143. Ibid., p. 105.

144. Ibid., p. 116.

relationship between the rise of property and sex.

Note (1) begins with an extensive passage quoted from "On the Beginning of Civil Societies" in Locke's Second Treatise of Government,[145] the treatise wherein he presents his teaching about property. According to Rousseau, Locke argues that the law of nature, or purpose, governing any male-female relationship is to ensure the survival of the species. Survival of the species is ensured only when the young are able to feed themselves. The young, being unable to feed themselves initially, rely on the parents for nourishment. Thus, the law of nature demands that the male-female union endure until the young are able to feed themselves. In frugivores, the male-female union lasts no longer than the act of of copulation. Male frugivores cannot feed the young because suckling provides their nourishment, nor can he provide food for the mother because she has only to graze to obtain her food. Unlike frugivores, the male-female union among carnivores endures for one season until the young are able to feed themselves. Although the young obtain nourishment from suckling, the father seeks and captures prey for the mother. Regarding the human species, the male-female union, like all carnivores, must endure for at least one season because the male

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145. John Locke, "An Essay Concerning the True Original, Extent and End of Civil Government", in Treatise of Civil Government and A Letter Concerning Toleration, Ed. Charles Sherman, (New York: D. Appleton-Century Company, Inc.), 1937, #79-#80, pp. 51-52.

must aid the female in seeking food. Unlike all carnivores, the human male-female relationship is perpetual for the following reason. Before the first child has reached the age of independence, the woman conceives again, the man must remain with the woman to feed the child and the result is a lasting union between man and woman.[146] This extensive quote of Locke's is followed by Rousseau's four objections. An analysis of these objections reveals their dual purpose: first, to reveal the weaknesses in Locke's account; second, to put forth Rousseau's own account of the male-female union.

Examination of Rousseau's first objection to Locke proves it to be spurious.

> I shall observe first that moral proofs do not have great force in matters of physics, and that they serve rather to give a reason for existing facts than to prove the real existence of those facts. Now such is the kind of proof Mr. Locke uses in the passage I have just quoted; for although it may be advantageous to the human species for the union between man and woman to be permanent, it does not follow that it was thus established by nature, otherwise it would be necessary to say that nature also instituted civil society, the arts, commerce and all that is claimed to be useful to men.[147]

Rousseau's objection would lead the reader to conclude that Locke argues that the male has a moral obligation to the female. Upon reading Locke's passage, an unsuspecting reader might reach this conclusion because Locke consis-

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146. Summarized from Rousseau, Discourse, pp. 214-215.

147. Ibid., pp. 215-216.

tently uses words and phrases wrought with moral connotation.

> ... this conjunction ought to last, even after procreation, so long as is necessary to the nourishment and support of the young ones ...[148]

> ... the father, who is bound to take care for those he begot, and to undertake that care for a long time, is under an obligation to continue in conjugal society with the same woman ...[149]

By stripping the rhetoric from Locke's argument, we find that moral obligation is superfluous. Locke's argument begins with the premise that one of the laws of nature is survival of the species. This law of nature dictates that the offspring must reach a point where they can feed themselves. To ensure that this point is reached, carnivorous males must help their female to feed the young. Applying the law of nature to the human species, Locke concludes that the man-woman union endures longer than all other species because a woman bears another child before the previous child reaches the age of independence. Locke's argument hinges not on moral obligation, but rather, the necessity dictated by natural law. If Locke's argument is independent of morality, it follows that Rousseau's criticism is invalid.

If Rousseau was aware of his "misunderstanding" of Locke it is necessary to explain not only why Rousseau

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148. Ibid., p. 214, emphasis added.

149. Ibid., p. 215, emphasis added.

chose to put forth a specious objection but also what Rousseau's specious objection reveals about his position concerning the male-female union. In the Discourse, Rousseau refers to Locke not only as a philosopher[150] but also as a wise man.[151] As a philosopher, Locke must therefore be familiar with and engage in "solid and sublime reason."[152] Concerning his argument, Locke's solid and sublime reason manifests itself in two ways: first, his writing style which ostensibly argues that man has a moral obligation to stay with a woman while implicitly arguing that necessity constitutes the foundation for the male-female relationship; second, Locke's reasoning is sublime because he never states explicitly that man is a carnivore, but like Rousseau, he implies that it must be true because carnivores, in general, are the only animals in which male and female remain united. Since Rousseau and Locke are philosophers, and undoubtedly intellectual equals, it appears safe to conclude that Rousseau recognized that his objection to Locke was specious. However, in contending that moral proofs do not have great force in matters of physics, Rousseau apparently agrees with Locke that necessity is the foundation for the male-female union. According to Rousseau, the sexual act belongs to the realm

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150. Ibid., p. 214.

151. Ibid., p. 150.

152. Ibid., p. 132.

of physics. To be more precise, it belongs to the realm of sensation[153] which includes sight, touch, taste, smell and hearing.[154] Because physics is all that is needed to explain the realm of the senses, physics can explain the male-female union which is merely necessity dictated by the preservation of the species. Rousseau's specious objection to Locke not only reveals Rousseau's agreement with this philosopher, but it also keeps hidden the subtleties of Locke's argument from vulgar readers.

Rousseau's second objection to Locke not only demonstrates the weakness in Locke's account, but also demonstrates Rousseau's reason as to why the union between males and females is necessary. Rousseau's objection to Locke consists of two parts: first, carnivorous males do not help their female to feed the offspring, and therefore males do not stay with the female to help nourish the offspring as Locke suggests; second, Locke's conclusion does not follow from his premise.

> I do not know where Mr. Locke found out that among animals of prey the society of male and female lasts longer than among those that live on grass, and that the former helps the latter to feed the young: for it is not observed that the dog, cat, bear or wolf recognize their female better than the horse, ram, bull, stag or all the other quadrupeds recognize theirs.[155]

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153. Ibid., p. 114.

154. Ibid., p. 113.

155. Ibid., p. 216.

In the above example, Rousseau uses several examples of various species to show that Locke's rule is false. All eight species - the first four being carnivorous, the latter four being frugivorous - mate with several females and none of them remain with the female to nourish their young.[156] In addition to quadrupeds, Rousseau also uses examples of birds to demonstrate that males do not remain with females to nourish their young, nor is there any distinction pertaining to the durability of the union between carnivorous and frugivorous species.

> The same distinction applied to birds is no more solid. For who can be persuaded that the union of male and female is more durable among vultures and ravens than among turtle doves? We have two species of domestic birds, the duck and the pigeon, which provide us with examples directly contrary to the system of this author. The pigeon, which lives only on grain, remains united with its female, and they nourish their young in common. The duck, whose voracity is known, recognizes neither its female nor its young, and does nothing to help with their subsistence ...[157]

Having seen in the previous discussion regarding man's need for food that Rousseau manipulates facts about animals for his own rhetorical purposes, it is useful to return to

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156. For mating habits and caring of the young in the dog, refer to Buffon, Tome Deux, pp. 493-494; for the cat, refer to Buffon, Tome Deux, p. 498; for the bear, refer to Buffon, Tome Deux, pp. 642-643; for the wolf, refer to Buffon, Tome Deux, p. 574; for the horse, refer to Buffon, Tome Deux, pp. 385-398, for the ram, refer to Buffon, Tome Deux, p. 447; for the bull, refer to Buffon, Tome Deux, pp. 431-432; for the stag, refer to Buffon, Tome Deux, pp. 514-517.

157. Rousseau, Discourse, pp. 216-217.

Buffon's works to determine the validity of Rousseau's facts. First, concerning the durability of the male-female relationship among birds, Buffon notes that male vultures, which are carnivorous and have mating habits similar to eagles,[158] remain with their female season after season;[159] male ravens, which are carnivorous, mate with their female for several years in succession;[160] and male turtle-doves which are frugivorous and have mating habits similar to pigeons, remain united with their female. Thus, of the examples used by Rousseau, both carnivorous and frugivorous birds remain with their female. To this point, Rousseau effectively demonstrates that Locke is incorrect for stating that the male-female relationship lasts among carnivores, and that males help their female to feed the young. On the contrary, there appears to be no distinction between carnivores and frugivores regarding the male-female union, and further, the male does not assist the female in nourishing the young.

In the latter half of the second objection, Rousseau deftly argues that Locke is correct for stating that the purpose of the male-female union is procreation, however, he also demonstrates that the male remains with the female to protect, and not nourish, the offspring.

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158. Buffon, Tome Cinq, p. 82.

159. Ibid., p. 83.

160. Ibid., pp. 531-532.

> It seems on the contrary that if the help of the male were necessary to the female to preserve her young, it would be above all in the species that live only on grass, because the mother needs a very long time to graze, and during that entire period she is forced to neglect her brood; whereas the prey of a female bear or wolf is devoured in an instant, and she has more time without suffering from hunger, to nurse her young. This reasoning is confirmed by an observation upon the relative number of teats about which I spoke in note (h) ... so it seems that in order to draw Locke's conclusion, his reasoning would have to be altogether reversed.[161]

In the preceding passage, Rousseau argues that if man and woman were to remain united, the union would last not because the male must aid in feeding the young, but rather, because the male must protect the young. Thus, Locke's conclusion about why the human male and female remain united is wrong, but Rousseau does not question Locke's argument that male and female remain united. Further, Rousseau argues that frugivorous females require more assistance from the male in protecting the young than do carnivorous females. It would therefore appear that man and woman remain united because the man must protect the child. However, as was argued earlier, the human species is carnivorous and thus it would appear that the female does not require the assistance of the male to defend her young. Two reasons suggest that man's frugivorous nature is irrelevant to Rousseau's argument concerning protection. First, Rousseau states that "his reasoning is

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161. Rousseau, Discourse, p. 217.

confirmed by an observation upon the relative number of teats about which I spoke in note (h)". In note (h), he states that frugivores have only two teats, yet analysis of note (h) demonstrated that his observation was incorrect. Thus, his reasoning concerning the protection of animals is not confirmed by note (h). If Rousseau's reasoning is not sound, it is plausible to suggest that carnivorous females, like frugivores, require male protection. Second, in note (h), Rousseau states that carnivores spend time hunting for food during which time they are forced to neglect their young. If so, the male would be needed to defend the young. Thus, male and female carnivores do have a reason to unite.

Rousseau's third objection to Locke focuses on the claim that another child is conceived before the first child reaches the age of independence.

> There is much uncertainty about the principal fact that serves as a basis for all of Mr. Locke's reasoning; for in order to know whether, as he claims, in the pure state of nature the woman is ordinarily pregnant again and has another child long before the preceding one can himself provide for his needs, it would be necessary to make experiments that Mr. Locke surely did not make and that no one is able to make. The continual cohabitation of man and wife provides such an immediate opportunity to be exposed to a new pregnancy that it is very hard to believe that chance encounter or the impulsion of temperament alone produced such frequent effects in the pure state of nature as in the state of conjugal society ...[162]

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162. Ibid., pp. 217-218.

To explain why the union between man and woman endures until "death do them part", Rousseau makes clear a fact which Locke does not. For Rousseau, man and woman must live together in order that a woman may conceive before the previous child reaches the age of independence thereby ensuring that the man will stay to protect the next offspring. According to Rousseau, the pure state of nature - a state in which man meets woman only by chance, a state discussed in Part I of the Discourse - does not provide the opportunity for the woman to become pregnant before the first child reaches the age of independence. Consequently, the pure state of nature is one in which male and female have no reason to remain united. In other words, Rousseau reaches the conclusion that the history of man commences only if one presupposes that the family is natural.

Rousseau's fourth objection to Locke not only demonstrates that Locke's account cannot explain why a man will remain with a woman during pregnancy, but also provides a solution as to why man and woman remain united after copulation.

> Finally, Mr. Locke proves at most that there could well be in a man a motive for remaining attached to a woman when she has a child, but he does not prove at all that he must have been attached to her before the delivery and during the nine months of pregnancy. If a given woman is indifferent to the man during these nine months, if she becomes unknown to him why will he assist her after delivery? Why will he help her to raise a child he does not even know belongs to him, and whose birth he neither planned nor foresaw? Mr. Locke evidently supposes what is

> in question; for it is not a matter of knowing why the man will remain attached to the woman after delivery, but why he will become attached to her after conception.[163]

Rousseau's objection to Locke seems valid. If the obligation of a male to the female is limited to nourishing or protecting the young to ensure the preservation of the species, the question of why man will remain with the female following conception remains unanswered. This difficulty is precisely Rousseau's objection to Locke: Rousseau argues that Lockes's conception of the state is nature is inconceivable and untenable. According to Locke, the only reason for the male-female sexual desires is to ensure the continuation of the species.[164] Rousseau maintains that if this is the sole reason for the male-female union, Locke must explain why a man and woman remain united after conception. Given that the state of nature is one wherein man is virtually indistinguishable from other animals - he has neither reason nor foresight - it would follow that man, after the act of copulation, would not realize the consequences of the sexual act. He would not recognize that he had fathered a child or was continuing his species. Consequently, there would be no reason for the male to stay with the female. Furthermore, if physical desire is the sole factor responsible for uniting man and

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163. Ibid., pp. 218-219.

164. Locke, Treatise of Government, #79, p. 51.

woman, each sex can fulfill their desires with anyone of the opposite sex. Again, this is no reason why one male need to remain united with the female. If Locke cannot explain why the male-female union should last, his state of nature must be incorrectly conceived.

> His appetite satisfied, the man no longer needs a given woman, nor the woman a given man. The man has not the least concern nor perhaps the least idea of the consequences of his action. One goes off in one direction, the other in another, and there is no likelihood that at the end of nine months they have any memory of having known each other: for this kind of memory, by which one individual gives preference to another for the act of procreation, requires, as I prove in the text, more progress or corruption in human understanding than can be supposed in man in the state of animality in question here. Another woman can therefore satisfy the new desires of the man as conveniently as the one he has already known, and another man satisfy in the same way the woman, supposing that she is impelled by the same appetite during pregnancy, which can reasonably be doubted. And if in the state of nature the woman no longer feels the passion of love after the conception of the child, the obstacle to her society with the man thereby becomes much greater still, since then she no longer needs either the man who impregnated her or any other. Therefore there is not, for the man, any reason to seek the same man. Locke's reasoning therefore falls apart, and all the dialectic of this philosopher has not saved him from the error commited by Hobbes and others. They had to explain a fact of the state of nature, that is to say, a state where men lived isolated and where a given man had no motive for living near another given man, nor perhaps to live near one another, which is much worse; and they did not think of carrying themselves back beyond the centuries of society, that is to say, of those times when men have always had a reason to live near one another, and when a given man often has a reason for living beside a given man

or a given woman.[165]

Rousseau also implies elsewhere that Locke's and Hobbes' conception of the state of nature is incorrect. In the section preceding Part I of the Discourse, Rousseau criticises Hobbes' and Locke's[166] conception of the state of nature. Following these criticisms, he writes

> It did not even enter the minds of most of our philosophers to doubt that the state of nature had existed, even though it is evident from reading the Holy Scriptures that the first man, having received enlightenment and precepts directly from God, was not himself in that state; and that giving the writings of Moses the credence that any Christian philosopher owes them, it must be denied that even before the flood men were ever in the pure state of nature, unless they fell back into it because of some extraordinary event: a paradox that is very embarrassing to defend and altogether impossible to prove.[167]

In other words, Rousseau argues that the pure state of nature, - Locke's and Hobbes' conception - is inconceivable. According to Rousseau, civil society can be explained only if one presupposes that the history of man

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165. Rousseau, Discourse, pp. 219-220.

166. At this point in the Discourse, Rousseau does not criticise Locke or Hobbes by name. However, it seems plausible to suggest that he is referring to these philosophers. Locke stated that man has property in the state of nature, but Rousseau argues that the concept of property cannot exist in the state of nature. Hobbes argues that the state of nature is a state of war where the stronger man rules the weaker. Rousseau contends that the strong could not have ruled the weaker thereby apparently refuting Hobbes' conception of the state of nature. For this reason, it seems plausible to suggest that Rousseau is refuting both Hobbes and Locke.

167. Ibid., pp. 102-103.

commences with the natural status of the family. It must be presupposed that man realizes the consequences of the sexual act and is thus able to foresee the birth of his child. If he can perceive the birth of his child, he has a motive for remaining with the female: namely, that he wants to ensure that the child he is protecting is his. In Political Economy, Rousseau notes that the male nature is such that he must recognize the child as his own.

> Furthermore, the husband should oversee his wife's conduct, because it is important to him that the children he is forced to recognize do not belong to anyone other than himself.[168]

Rousseau presupposes, unlike Hobbes and Locke, that the family must be natural.[169]

To this point, Rousseau explains the weaknesses in Locke's account of the male-female relationship by putting forth his account. First, in criticizing Locke's rhetoric on the moral obligation between man and woman, Rousseau demonstrates that necessity provides the foundation for the male-female union. The question which remains unresolved is why the male-female union is necessary. By criticizing Locke for stating the union endures because the male must

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168. Rousseau, Political Economy, p. 210.

169. Vanity leads me to indicate to the reader the uniqueness of my interpretation of Rousseau's objection against Lock. Most of Rousseau's students find this note perplexing. They argue that this note denies the natural status and yet realize that in his other works, Rousseau states that the family is natural. For example, see Masters note, #88, p. 246. Thus, they have difficulty reconciling this paradox.

provide food for the female, Rousseau demonstrates that the male-female union endures to ensure the protection of the offspring. The question which now remains unresolved is why the union in the human species lasts no longer than one season like other carnivores. Rousseau's third objection to Locke demonstrates that the durability of the union presupposes the cohabitation of man and woman. The question which now remains unresolved is why the man will live with the female in the first place. Rousseau demonstrates that man remains united with woman to ensure that the child is his. Although sex has little or no apparent relationship to property, in the following section it will be demonstrated that it is because of the male-female union that the other three needs are transformed to give rise to property.

B. The Rise Of Property

At the beginning of Part II, Rousseau suggests that the founding of property is inevitable.

> ... what miseries and horrors would the human race have been spared by someone who, uprooting the stakes or filling in the ditch, had shouted to his fellow-men: Beware of listening to this impostor; you are lost if you forget that the fruits belong to all and the earth to no one! But it is very likely that by then things had already come to the point where they could no longer remain as they were.[170]

As seen from the preceding section, man's four primary needs can apparently be satisfied without the establishment

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170. Rousseau, Discourse, pp. 141-142.

of land as property. For this reason, one must wonder why Rousseau asserts that the emergence of land as property is inevitable. The intent of the following section is to demonstrate that sex provided the catalyst which transformed men's three individual needs and also increased their needs to such a degree that the advent of property was the only manner in which they could be satisfied. To facilitate the analysis of Rousseau's account of property, his state of nature has been divided, somewhat arbitrarily, into three stages. The reader must bear in mind that in Part I of the Discourse and its appending notes, Rousseau established two presuppositions concerning the nature of man: first, man is carnivorous; second, man and woman remain united in a family.

The first stage of the state of nature characterized by Rousseau as a "new state", consists of

> ... very limited needs and the implements they [men] had invented to provide for them, since men enjoyed very great leisure, they used it to procure many kinds of commodities unknown to their fathers ...[171]

Men's limited needs consisted of fire to cook meat, clothes, fishing lines to catch fish, bows and arrows to hunt prey, huts to house the family and a crude form of language to communicate. Yet, one question persists. Why does man develop these things? The answer is simply that sex provides the impetus. Men, in the state of nature

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171. Ibid., p. 147.

learned to conquer its obstacles.

> The height of trees, which prevented him from reaching their fruits, the competition of animals that sought to nourish themselves with these fruits, the ferocity of those animals that wanted to take his very life, all obliged himself to bodily exercises. It was necessary to become agile, fleet in running, vigorous in combat. [172]

However, difficulties multiplied because the human race multiplied. If it were not for the multiplication of the human species, men could and would have remained in one spot. As the human race spread over the world, men in the northern hemisphere encountered winter. The cold weather forced men to clothe themselves with the skins of beasts which they had killed. [173] As the numbers of men increased, the availability of food decreased. In note (d), Rousseau argues that the earth is unable to support the nutritional needs of men and animals.

> As plants draw much more substance for their nourishment from air and water than they draw from the earth, it happens that when they rot they return more to the earth than they took from it; besides, a forest retains the water from rain by stopping vapors. Thus, in woods that had been preserved for a long time without being touched, the layer of earth that serves for vegetation would augment considerably; but as animals give back less than they take from the earth, and as men consume enormous quantities of wood and plants for fire and other uses, it follows that the layer of vegetative earth in an inhabited country must always diminish and finally become like the terrain of Arabia Petraea ... [174]

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172. Ibid., pp. 142-143.

173. Ibid., p. 143.

174. Ibid., pp. 186-187.

New sources of food had to be discovered. Along river-banks, men learned to fish; in forests, men learned to use bows and arrows.

In using fishing lines to catch fish, arrows to kill game, or sticks to create fire, men developed perceptions of certain relations.[175] A bear is large and fast; a rabbit is small and fast; a turtle is slow and small; a lion is bold and strong; man, who can kill all species is better than all beasts. Man developed "species pride". Knowing that their species was superior to all others, individuals began to see other men as individuals and in doing so learned that all men thought and acted alike.

> The conformities that time could make him perceive among them, his female and himself led him to judge of those which he did not perceive; and seeing that they all behaved as he would have done under similar circumstances, he concluded that their way of thinking and feeling conformed entirely to his own. And this important truth, well established in his mind, made him follow, by a premonition as sure as dialectic and more prompt, the best rules of conduct that it was suitable to observe toward them for his advantage and safety.[176]

Knowing that all men acted as one man did, men were able to unite as a pack for the purpose of collectively securing food. The group of men united for a common goal spawned the development of a crude language similar to that of crows and monkeys. With language comes the awakening of

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175. Ibid., p. 143.

176. Ibid., p. 144.

the mind and a corresponding decline in repose and by implication an increase in human industry.

> Soon, ceasing to fall asleep under the first tree, or to withdraw into caves, they discovered some kinds of hatchets of hard, sharp stones which served to cut wood, scoop out earth, and make huts from branches they later decided to coat with clay and mud.[177]

The number of huts increased since the stronger men were able to defend their lodgings and the weaker men found it quicker and safer to build their own lodgings.[178] United under a common roof, conjugal society was able to develop from being merely a quasi-instinctive union between man, woman and child to a union based upon conjugal and paternal love[179] The most elementary division of labor was simultaneously established: women tended the hut and cared for the children, men obtained the food.[180]

The second stage of the state of nature was a refinement of the first stage.

> As long as men were content with their rustic huts, as long as they were limited to sewing their clothing of skins with thorns or fish bones, adorning themselves with feathers and shells, painting their bodies with various colors, perfecting or embellishing their bows and arrows, carving with sharp stones a few fishing canoes or a few crude musical instruments ...[181]

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177. Ibid., p. 146.

178. Ibid., p. 146.

179. Ibid., pp. 146-147.

180. Ibid., p. 147.

181. Ibid., p. 151.

Unlike the first stage, the second stage is characterized by the emergence of vanity, as evidenced by the fact that men are concerned with the adornment of their bodies and their implements. Having left off at the first stage with the development of a crude language and the division of labor, Rousseau notes that language was perfected with the bosom of each family.[182] Children had to explain their needs to the mother and the relationship between mother and child fostered a larger vocabulary and the perfection of grammar.[183] At this point - after the establishment of language - Rousseau observes that "everything begins to change its appearance."[184] For it is with language and the concomitant development of reason and foresight that objects begin to appear differently. For example, one need only think of a cigarette. If someone knows neither the name of the object nor its use, it is merely a thing. However, if one acquires the knowledge to use it, the object assumes a different character. Thus, equipped with language, men begin to see the human species itself in a new light.

> Men, who until this time wandered in the woods, having adopted a more fixed settlement, slowly come together, unite into different bands, and finally form in each country a particular nation,

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182. Ibid., p. 147.

183. Ibid., p. 121 which discusses the relationship between mother and child and the development of language.

184. Ibid., p. 148.

> unified by customs and character not by regulations and laws but by the same kind of life and foods and by the common influence of climate.[185]

In the first state, the permanent proximity between man, woman and child engendered conjugal and paternal love; in the second state, a permanent proximity between families fostered, among other things, jealousy. Over time, the constant contact among individuals permitted people to compare. Women recognized that some men were handsome or stronger than others; men learned that some women were prettier or better dancers. The ability to compare produced sentiments of preference.[186]

> From these first preferences were born on one hand vanity and contempt; on the other shame and envy ...[187]

In turn, as people realized that they were better than some inidividuals and not as good as others, each person wanted to be treated with consideration and accorded the respect which they felt was owed to them by others.

The third and final stage of the state of nature is characterized by Hobbesian war due to the rise of agriculture and metallurgy. The fatal accident which propelled men out of the second state and into the throes of the agricultural revolution was the direct result of sex: the multiplication of the human species. Before discussing how

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185. Ibid., p. 148.

186. Ibid., p. 148.

187. Ibid., p. 149.

agriculture came into being, Rousseau notes the difficulties which savage man has to overcome in order that he can work the land. In Part I, Rousseau notes that agriculture must first become a necessity.[188] If agriculture, for some reason, does become necessary to men, they have to acquire the knowledge of cultivating land, sowing grains and cultivating wheat;[189] men have to create the implements necessary for large-scale cultivation;[190] men need foresight, for who would spend time and energy ploughing land if they could not envisage the results;[191] men have to learn to be industrious;[192] and finally, precautions must be invented to prevent some men from appropriating the fruits of another's labor.

> ... what man would be insane enough to torment himself cultivating a field that will be plundered by the first comer, whether man or beast, for whom the crop is suitable.[193]

Rousseau resolves the various obstacles to the rise of agriculture. In Part I, Rousseau states why the need for agriculture developed.

> But let us suppose that man had multiplied so greatly that the natural productions no longer

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188. Ibid., p. 118.

189. Ibid., pp. 118 and 153.

190. Ibid., pp. 118 and 153.

191. Ibid., pp. 118 and 153.

192. Ibid., p. 118.

193. Ibid., p. 118.

> sufficed to nourish them: a supposition which, it may be added in passing would show a great advantage for the human species in that way of life.[194]

As the numbers of men increased, there was a corresponding decline in food naturally available to be hunted or gathered. New sources of food had to be discovered. Purposeful agriculture would prove to be a viable and practical source. Concerning foresight and industry as obstacles to the rise of agriculture, it is to be observed that the development of the human race in the first and second stages of the state of nature had equipped them with the necessary foresight and industry.

As for developing the necessary implements for agriculture, Rousseau observes that the development of metallurgy goes hand in hand with the rise of agriculture.[195] Without metallurgy, agriculture is futile; without the need for agriculture, the need for metallurgy does not exist.

> And perhaps one of the best reasons why Europe has been, if not earlier, at least more constantly and better civilized than the other parts of the world is that it is at the same time the most abundant in iron and the most fertile in wheat.[196]

Concerning the difficulties with respect to the origins of metallurgy, Rousseau describes the obstacles prior to its

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194. Ibid., p. 118.

195. Ibid., p. 152.

196. Ibid., p. 152.

development.

> It is very difficult to guess how men came to know and use iron; for it is not credible that by themselves they thought of drawing the raw material from the mine to fuse it before they knew what would result. From another point of view, it is even harder to attribute this discovery to some accidental fire, because mines are formed only in arid spots, stripped of both trees and plants; so that one would say that nature had taken precautions to hide this deadly secret from us. There only remains, therefore, the extraordinary circumstance of some volcano which, by throwing up metallic materials in fusion, would have given observers the idea of imitating this operation of nature. Even so, it is necessary to suppose in them much courage and foresight to undertake such difficult labor and to envisage so far in advance the advantages they could gain from it ...[197]

Like agriculture, the foresight and industry essential to metallurgy had developed sufficiently in the two previous stages. With respect to Rousseau's hypotheses concerning the acquisition of knowledge for metallurgy, Rousseau endorses the third conjecture. However, from the evidence given in his Discourse, the second hypothesis is also plausible. Rousseau states that mines are formed only in arid spots. Yet, as discussed previously, as the numbers of men increase, the earth becomes barren. The conditions are therefore suitable for the formation of mines. Thus, it seems that in those inhabited areas which require agriculture, these areas, at the same time, were the most conducive to forming mines.

To cope with the final problem of preventing men from

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197. Ibid., p. 152.

robbing one's goods, it was necessary to allocate the land among men and to recognize the rights of others to own the land.[198] This is the point at which each person contends that "this land is mine", and thus, is also the starting point for civil society. As to how land will be allocated, Rousseau, like Locke, contends that

> It is labor alone which, giving the cultivator a right to the product of the land he had tilled, gives him a right to the soil as a consequence, at least until the harvest, and thus from year to year; which, creating continuou possession is easily transformed into property.[199]

However, unlike Locke, Rousseau recognizes that there cannot possibly be as good and enough land left for other men always. Rather, those men who worked the land claimed that they owned it by virtue of being the first occupant. As each family tilled its parcel of land

> ... the stronger did more work; the cleverer turned his to better advantage; the more ingenious found ways to shorten his labor; the farmer had greater need of iron or the blacksmith greater need of wheat, and working equally, the one earned a great deal while the other barely had enough to live.[200]

Those that were stronger or cleverer were able to acquire more goods. In a situation where there was not enough arable land for all men, some had to work for others. In this state, the rich needed the services of the poor to

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198. Ibid., p. 154.

199. Ibid., p. 154.

200. Ibid., pp. 154-155.

work for them, the poor needed the rich to hire them.[201] Finally, the poorer men desired to increase their fortunes to place themselves above others; the richer men were consumed with a driving ambition to increase their goods in order to become even higher among the ranks of men.[202] The state of war erupted because each man was the judge of his means to self-preservation. There came a state where those people who needed food claimed they had a right to it; those who worked the land claimed they had a right to the food; those who were stronger claimed they had a right to the food. "Nascent society gave way to the most horrible state of war ..."[203]

The state of nature, as a state of war, promotes neither individual nor species preservation. Men, in general, and rich men, in particular, began to reflect upon their situation and reasonably concluded that something had to be done to ensure their self-preservation and to protect their goods.

> It is not possible that men should not at last have reflected upon such a miserable situation and upon the calamities overwhelming them. The rich above all must have soon felt how disadvantageous to them was a perpetual war in which they alone paid all the costs, and in which the risk of life was common to all while the risk of

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201. Ibid., p. 156.

202. Ibid., pp. 156-157.

203. Ibid., p. 157.

goods was theirs alone.[204]

Reason, compelled by necessity, dictated action. The social contract was born.

> ... the rich, pressed by necessity finally conceived the most deliberate project that ever entered the human mind ... he easily invented specious reasons to lead them to his goal.[205]

At this point, each man voluntarily gives up the right which existed in the state of nature: the right to be the sole judge of the means to his self-preservation. No longer can the strong claim a right to goods; no longer can the first occupant claim a right to goods; no longer can the needy claim a right to goods. Each man concedes that the goods of a person belong to him and no longer can he enforce his right as a judge to take the goods of another individual for the sake of his own self-preservation. Property was instituted. According to Rousseau, propery is necessarily conventional, Property requires that each man recognize the right of an individual to possess a good. If no man recognizes that right and will not let another man enjoy his goods, property cannot exist. In the state of nature, each man, concerned with self-preservation, does what is necessary to ensure his life. He can rob the goods of another man even though that man invested the labor in acquiring the good because he chooses the means necessary

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204. Ibid., p. 158.

205. Ibid., pp. 158-159.

to self-preservation. He does not recognize that he should voluntarily give up a part of his means to self-preservation in order to allow another man to survive. As a wise man once said "May the best man win".

The institution of property, according to Rousseau, constitutes legitimate society. Rousseau is not arguing that all societies are legitimate because property exists but neither he is arguing that all men should possess an equal amount of property. Rather, he argues that inequality and authority can be made legitimate with property being the first stage of instituted inequality among men. The following chapter examines the reasons as to why Rousseau maintains that his contract, founded on property, is the only legitimate contract.

Chapter IV

Property and Politics

Having defined man, Rousseau describes those "necessary" circumstances responsible for the emergence of, what we recognize to be, civil society. According to Rousseau, the human population swells because the four elementary human desires are easily satisfied in the state of nature. As population increases, food availability decreases. Elementary desires become increasingly difficult to satisfy and the human mind is forced to develop to ensure both individual and species survival. Desires necessarily increase with increasing knowledge of desirable things, and consequently, men become dependent on one another to satisfy their most elementary needs. Thus, something like civil society becomes both inevitable and necessary to man. In both the Social Contract and the Discourse, Rousseau argues that a social contract based on property is the only legitimate foundation of society and the only true source of authority. What remains to be discussed, at least partially, are the reasons substantiating Rousseau's argument. As a partial means to demonstrating the validity of his argument concerning civil society, Rousseau refutes other prevailing views concerning the source of authority. In so doing, Rousseau consequently puts forth his conception of what constitutes a valid social contract.

First, according to Rousseau, natural authority cannot

be deduced from human nature, and thus, nature as such cannot provide a legitimate foundation for society.

> This common freedom is a consequence of man's nature. His first law is to attend to his own preservation, his first cares are those he owes himself; and as soon as he has reached the age of reason, as he alone is the judge of the proper means of preserving himself, he thus becomes his own master.[206]

Given that each man is interested in self-preservation; and given that each man, at a certain age, decides those means most conducive to self-preservation, Rousseau concludes that each man must be free because each man must be able to act upon the means that he has chosen for self-preservation. Consequently, natural authority has no foundation in human nature and can explain neither why one person ought to obey another nor account for the legitimacy of civil society.

The first question to be answered, however, is why Rousseau considers the absence of authority in human nature to be a sufficient and adequate refuation of the existence of natural authority. The answer is best clarified with an example. Suppose that it is necessary to plough, seed and harvest a parcel of land if your family is to eat in the coming year. Suppose further that one has only a collie to pull the plough. No matter how often the dog is persuaded,

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206. Jean Jacques Rousseau, On the Social Contract or Principles of Political Right in On the Social Contract with Geneva Manuscript and Political Economy, ed. Roger D. Masters, Translated, Judith R. Masters (New York: St. Martin's Press), 1978, Book I, Chapter 3, p. 47.

cajoled or beaten, it cannot pull the plough. There are natural limits - both mental and pysical - to the dog's abilities. Moreover, the owner must recognize, be it consciously or intuitively, and work within these limits if he is to extract the maximum amount of work from the dog. If the dog is well nourished and well trained it becomes a healthy dog capable of performing its task well; if the dog is ill fed and poorly trained it becomes a mere shadow of its potential. So too with man. If one can know what constitutes human nature, one can not only determine those conditions which are necessary to make the most of human nature but also those conditions which are most destructive to man. To violate human nature would not only be degrading to man because one is trying to transform someone into something of which the person is incapable but it would also be commanding a person to live as a mere shadow of its potential. If there is a natural authority rooted in human nature, it would follow that some individuals ought to obey other individuals because it is in their best interest as human beings. The question of who is the most suited to rule would then rise to the fore. If, however, natural authority is contrary to human nature, the foundations of legtitimate society and authority must be sought elsewhere.

Natural authority - some men have a right to rule by virtue of birth or possession of a certain characteristic -

requires at least one of two conditions: first, man must be profoundly political by nature such that the group's interest takes precedence over the individual's interest; or, second, some men must be superior reasoners in addition to being sufficiently interested in the fate of other men such that they will employ their abilities for the benefit of others. In the first case, natural authority holds because some men must determine the group's interest and the rest of the men will waive their personal interest in lieu of the group interest. In the second case, natural authority holds because the superior reasoners would be better judges of the means to self-preservation, and since each man is interested in self-preservation he ought to obey another man. Rousseau denies that either condition is natural to man. The first condition is not plausible because Rousseau contends that man is, by nature, a solitary and independent animal as opposed to being an interdependent political being. In defining man qua man, Rousseau discovered that the "physical" aspect of man includes three needs: food, water, sleep. The "meta-physical" or "moral" side of man, however has four desires - food, water, sleep, sex - and three defining characteristics - perfectibility, free agency and pity. With only four desires and the ability to satisfy them in the state of nature, each man can be a man without being a political being. Further, the preservation of the species does not

necessitate the existence of a political being; rather, the human species is maintained, if not advanced, as a consequence of each individual struggling to survive and to reproduce his/her genetic structure. Neither individual nor species survival require that man be a political being; hence, natural authority has no basis in human nature. The second condition for natural authority does not hold because, no man, in the original state of nature, needs another human being and hence, has no interest in ruling another man. Rousseau recognizes that men are not equal in merit, skill or reason. These inequalities, however, are an insufficient basis for natural authority if no man needs another.

> But even should nature assign as many preferences in the distribution of its gifts as is claimed, what advantage would the most favored draw from them to the prejudice of others in a state of things which permitted almsot no sort of relationship among them? Where there is no love, of what use is beauty? What is the use of wit for people who do not speak, and ruse for those who have no dealings? I hear it always repeated that the stronger will oppress the weak. But let someone explain to me what is meant by this word oppression. Some will dominate by violence, the others will groan, enslaved to al their whims. That is precisely what I observe among us, but I do not see how that could be said of savage men, to whom one would even have much trouble explaining what servitude and domination are. A man might well seize the fruits another has gathered, the game he has killed, the cave that served as his shelter; but how will he ever succeed in making himself obeyed? And what can be the chains of dependence among men who possess nothing.[207]

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207. Ibid., pp. 138-139.

No man needs another, no man wants to rule another, natural authority has no foundation in human nature and hence, provides no justification for legitimate civil society.

What about force? Is force - the stronger individual - not the natural authority governing nature? Rousseau denies that force provides the foundation for legitimate civil society.

> In the first case, the right of conquest, as it is not a right, could not have founded any other, since the conqueror and the conquered peoples always remain toward each other in a state of war, unless the nation, given back its complete freedom, should voluntarily choose its conqueror as its chief.[208]

According to Rousseau, force is not a right which can be derived from natural law as a means to extracting obedience from another man. It, therefore, cannot provide justification for legitimate civil society. An understanding of the relationship betweeen natural right and natural law illustrates why legitimate society cannot be founded on force. As discussed previously, natural law must meet two criteria: for it to be natural, it must speak to men through nature's voice; for it to be law, it must be comprehended by reason. The rules of conduct - man's rights and duties - are derived from natural law. In the original state of nature the rules of conduct need not be consciously comprehended and defined by man, any more than

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208. Ibid., pp. 161-162.

any other animal, because his limited desires, natural idleness, absence of knowwledge and lack of vanity ensure that the rules of natural right are followed more or less automatically. But, once reason and passions develop to the point where man no longer hears nature's voice, the rules of natural right must be re-established upon reason.

> It is from the conjunction and combination that our mind is able to make of these two principles, without the necessity of introducing that of sociability, that all the rules of natural right appear to me to flow: rules which reason is later forced to re-establish upon other foundations when, by its successive developments, it has succeeded in stifling nature.[209]

Explicit understanding of the rules of natural right require that one reflect upon and understand the rules of conduct which prevail in the state of nature. Further, according to Rousseau, the rules of natural right can be derived from two principles prior to the development of reason in man: one principle interests man in his well-being and preservation; the other principle inspires in man a natural repugnance to see another man suffer.[210] By reflecting upon the combination of these two principles, Rousseau maintains that the rules of natural right can be deduced and then implemented in society.

The difficulty arises in defining those rules which can be derived from the two pre-rational principles. In

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209. Ibid., pp. 95-96.

210. Ibid., p. 95.

the original state of nature, the principle of looking after one's well-being and preservation dictates the satisfaction of the four elementary desires. The principle of natural repugnance ensures the survival of the species. Thus, in the original state of nature, it would appear that man can and does possess the right to do and to take whatever is necessary to sate his desires insofar as his actions are not detrimental to the human species.[211]

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211. It is interesting to show why Rousseau believed Locke's state of nature to be inconceivable. Locke argues that in the state of nature, each man is entitled to that for which he has labored. "He that is nourished by the acorns he picked up under an oak, or the apples he gathered from the trees in the woods, has certainly appropriated them to himself. Nobody can deny but the nourishment is his. I ask, then, When did they begin to be his - when he digested, or when he ate, or when he boiled, or when he brought them home, or when he picked them up? And 'tis plain if the first gathering made them not his, nothing else could. That labour put a distinction between them and common, that added something to them more than Nature, the common mother of all, had done, and so they became his private right." John Locke, "Treatise of Civil Government", in Treatise of Civil Government and a Letter Concerning Toleration, Edited by Charles Sherman, (New York: D. Appleton-Century Company), 1937, #28, pp. 19-20. Both Locke and Rousseau agree that man's self-preservation is his primary care in the state of nature. Self-preservation dictates the intake of food, water and sleep. Locke argues that the labor which a man invests in obtaining his food or water makes it his. Rousseau argues that labor is insufficient to ensure self-preservation in the state of nature. Labor is useless to a man if he is neither strong enough nor clever enough to defend it from other animals. If a man wants to claim that the apples are his and expects another man to believe him, there must be a common authority to which both men, for some reason, will obey. Given that no common authority exists in the state of nature and given that each man is entitled to do that which is necessary for self-preservation, Rousseau, unlike Locke argues that property cannot exist in the state of nature. This is probably what is meant by Rousseau's criticism when he states that some philosophers have failed to return to

Rousseau's description of the state of nature suggests one in which man can act as he pleases.

> The height of trees, which prevented him from reaching their fruits, the competition of animals that sought to nourish themselves with these fruits, the ferocity of those animals that wanted to take his very life, all obliged him to apply himself to bodily exercises. It was necessary to become agile, fleet in running, vigorous in combat. Natural arms, which are branches of trees and stones, were soon discovered at hand. He learned to surmount nature's obstacles, combat other animals when necessary, fight for his subsistence even with men, or make up for what had to be yielded to the stronger. 212

> In a word, every man, seeing his fellow-men hardly otherwise than he would see animals of another species, can carry off the prey of the weaker or relinquish his own to the stronger, without considering these plunderings as anything but natural events, without the slightest emotion of insolence or spite, and with no other passion than the sadness or joy of a good or bad outcome. 213

In the state of nature, each man fights and takes what he needs to survive. In other words, the law of the stronger prevails. Savage man, however, unknowingly contributes to the preservation of man as a species because his limited needs and passions, his lack of knowledge and foresight and his natural idleness restrain him from inflicting needless cruelty and violence upon other men. Given that the state

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211. ... the original state of nature. "Others have spoken of the natural right that everyone has to preserve what belongs to him, without explaining what they meant by belong. Discourse, p. 102. In other words, property is a concept belonging to civil society.

212. Ibid., pp. 142-143, emphasis added.

213. Ibid., p. 222.

of nature is one in which the strong prevail and given that the rules of conduct which exist in the state of nature are to be re-established in society, it would follow that a man in society ought to acquiesce to the stronger man, just as he would have done in the state of nature.

> Without uselessly prolonging these details, everyone must see that, since the bonds of servitude are formed only from the mutual dependence of men and the reciprocal needs that unite them, it is impossible to enslave a man without first putting him in the position of being unable to do without another, a situation which, as it did not exist in the state of nature, leaves each man there free of the yoke, and renders vain the law of the stronger.[214]

The law of the stronger has no continuing consequences in the state of nature because no man depends on another. Each man requires food, water and sleep for self-preservation. In the state of nature he takes, by force, those things which he needs, but never does he take another man. A stronger man will not coerce a weaker one into obedience because the weaker party is not needed. Further, continuous ruling of another by force in the state of nature would create more difficulties than it would solve.

> If someone chases me from one tree, I am at liberty to go to another; if someone torments me in one place, who will prevent me from going elsewhere? Is there a man whose strength is sufficiently superior to mine and who is, in addition, depraved enough, lazy enough, and wild enough to force me to provide for his subsistence while he remains idle? He must resolve not to lose sight of me for a single moment and to keep me very carefully tied up during his

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214. Ibid., p. 140, emphasis added.

> sleep, for fear that I should escape or kill him - that is to say, he is obliged to expose himself voluntarily to much greater trouble than he wants to avoid and gives to me.[215]

If the law of the stronger is to provide a basis for legitimate civil society, it would have to impose an obligation of obedience. In the state of nature, the law of the stronger does not exact obedience because no man needs another. Given that the conduct of man in society is supposed to re-create that which existed in nature, and given that the law of the stronger does not govern men in the state of nature if follows that the law of the stronger cannot govern civil society.

Weak men institute civil society. This argument, according to Rousseau, is the second reason why society cannot be legitimately founded by strong men.

> These words strong and weak are equivocal in the second case; for, in the interval between the establishment of the right of property or of the first occupant and that of political governments, the meaning of these terms is better expressed by the terms poor and rich, since before the laws a man did not, in fact, have any other means of subjecting his equals than by attacking their goods or by giving them some of his.[216]

The preceding chapter illustrated that the scarcity of food forced man to become a pastoral animal. As a pastoral animal concerned with self-preservation, man has the right to keep the products of the soil for which he has

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215. Ibid., p. 139.

216. Ibid., p. 162.

labored. The absence of a common authority mamong men coupled with the fact that stronger men in the state of nature, also concerned with self-preservation, are entitled to the goods of another by virtue of the law of the stronger means that each man must use his own devices to obtain, protect and secure his goods and his land. There are only two ways in which goods in the state of nature can be obtained and secured: either a man can give some of his goods to others or he can attack the goods of others. In the first case, a man's goods are afforded protection because those men to whom he gives the goods will probably not take his goods in order to ensure that they will receive their livelihood. In the second case, if the goods of a man are attacked he becomes dependent either on the attacker or on another man for his livelihood. In both cases, men are dependent on one another for their livelihood. In the state of nature, Rousseau defined a weak man as being dependent on another man.[217] Those men who found civil society are dependent on each other to some degree. Consequently, the measure of stronger as it exists in the state of nature reveals that those men who found society are weak. Consequently, Rousseau concludes that it is not the strong individuals who found society, but rather, a union of weak men, namely the rich and the poor.

Rousseau further argues that civil society must have

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217. Ibid., p. 129.

been a contract between the rich and the poor because

> The poor having nothing to lose except their freedom, it would have been great folly for them to give away voluntarily the sole good remaining to them, gaining nothing in the exchange; on the contrary, the rich being so to speak vulnerable in every part of their goods, it was much easier to harm them; they consequently had more precautions to take in order to protect themselves from harm ... [218]

The logic underlying Rousseau's argument can be recapitulated as follows. Prior to the institution of civil society, rich men had more goods to protect than the poor. Consequently, the rich men had more precautions to take to ensure the protection of their goods. for this reason, it is therefore plausible to suggest that the rich men originated the social contract. However, poor men had only their freedom to lose in a contract. Consequently, they would not agree to give up their freedom unless they perceived an advantage in the contract. Thus, the contract, conceived by rich men, must not only have been to their advantage, but must also have been advantageous to poor men or they would never have agreed to give up their right as judge of their means to self-preservation. The question, which remains unanswered to this point, arises as to the advantage obtained by the poor.

If society is founded neither on some sort of natural legitimate authority nor on the right of the strongest, Rousseau concludes that civil society must be founded on

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218. Ibid., p. 162.

mutual agreement. Rousseau then examines the validity of various contracts in which men alienate their freedom and concludes that his is the only contract which not only renders political society and authority legitimate, but also renders the alienation of natural freedom valid. In the course of refuting other thinkers, Rousseau offers his own understanding of what constitutes a contract and thus demonstrates why his conception of the social contract is legitimate.

Rousseau first refutes Hobbes' understanding of this contract. Hobbes contends that the state of nature is coterminous with a state of war. The love of liberty and dominion coupled with the desire for self-preservation forces man to conclude that his interests are best served by leaving the state of nature to enter the womb of civil society.

> The final cause, and or design of men, who naturally love liberty and dominion over others, in the introduction of that restraint upon themselves, in which we see them live in commonwealths, is the foresight of their own preservation, and of a more contented life thereby, that is to say, of getting themselves out from the miserable condition of war ...[219]

According to Hobbes, civil society is constructed by men as a means to security and self-preservation. Security and self-preservation, however, can only be assured if men

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219. Thomas Hobbes, Leviathan, Edited by Michael Oakeshott, (New York: Collier Books), 1962, Chapter 17, p. 129.

confer their power upon one man or an assembly of men.

> The only way to erect such a common power, as may be able to defend them from the invasion of foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their own industry, and by the fruits of the earth, they may nourish themselves and live contentedly; is, to confer all their power and strength upon one man, or upon one assembly of men, that may reduce all their wills, by plurality of voices, unto one will which is as much as to say, to appoint one man, or assembly of men, to bear their person ...[220]

In refuting Hobbes; argument, Rousseau neither denies that the love of liberty nor the desire for self-preservation are the reasons for the institution of the social contract. What he denies is that the security needed to ensure self-preservation means that men must become slaves. Men do not surrender - voluntarily, unconditionally, and perpetually - their freedom into the hands of a master.

> It would be no more reasonable to believe that at first peoples threw themselves into the arms of an absolute master without conditions and for all time, and that the first means of providing for the common security imagined by proud and unconquered men was to rush into slavery. In fact, why did they give themselves superiors if not to defend themselves against oppression, and to protect their goods, their constituent elements of their being. Now in relations between one man and another, as the worst that can happen to one is to see himself at the discretion of the other, would it not have been contrary to good sense to begin by surrendering into the hands of a chief the only things they needed his help to preserve?[221]

If, as Hobbes states, men institute civil society to ensure self-preservation and liberty, Rousseau argues that Hobbes; conception of the social contract is invalid because it

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220. Hobbes, Leviathan, Chapter 17, p. 132.

221. Rousseau, Discourse, pp. 163-164.

does not preserve freedom. What is important to note, however, is that Hobbes' conception of liberty differs from Rousseau's conception of freedom. For Hobbes, liberty is a right of nature and can be understood as a means to self-preservation in the state of nature.

> The right of nature, which writers commonly call jus naturale, is the liberty each man hath, to use his own power, as he will himself, for the preservation of his own nature; that is to say, of his own life; and consequently, of doing any thing, which in his own judgment, and reason, he shall conceive to be the aptest means thereunto.[222]

Rousseau, like Hobbes, maintains that the state of nature is one wherein man can use his liberty to ensure self-preservation. This independence to act, however, is not freedom. Freedom is not unbridled licence; rather, it is not having to be dependent on another man.

> [Independence, or doing exactly as one pleases, and freedom] are so different as to even be mutually exclusive. When everyone does as he pleases, what displeases others often is done, and that is not what one can call a free state. Freedom consists less in doing [whatever is] one's will than in not being subject to that of another, it consists also in not subjecting the will of another to our own.[223]

If freedom is not being dependent on another man, Hobbes'

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222. Hobbes, Leviathan, Chapter 14, p. 103.

223. Jean Jacques Rousseau, "Letters to Montaigne". H. Gildin's translation has been used and credit must be given to this author for the insightful analysis of the distinction between being dependent on a man and being dependent on the law. Hilail Gildin, Rousseau's Social Contract: The Design of the Argument, (Chicago: Chicago University Press), 1983, p. 35.

contract is void because each man agrees to obey another man. Thus, according to Rousseau, a legitimate social contract cannot make one man dependent on another as Hobbes' contract does.

Rousseau then maintains that paternal authority is inadequate as a means for establishing legitimate civil society. Rousseau's argument can be interpreted on two levels: paternal meaning "God who established the divine right of kings"; or paternal meaning one's biological father. Concerning the latter case, Rousseau denies that the obligation of a child to obey its father is analogous to that of a people obeying its leader. Consequently, paternal authority does not justify obeying another man. First, the argument concerning paternal authority is contrary to natural law. In the state of nature, there comes a time when each individual must fend for itself. At that time, the bond of obedience between father and child dissolves. Given that the bond of obligation between father and child dissolves according to natural law and given that the obligation of a citizen to obey the laws should not dissolve if a social contract is legitimate it follows that paternal authority will not justify one's perpetual obedience to the laws. Further, the argument for paternal authority fails to consider that the obligation of a child to its father is actually stronger in civil society than it is in the state of nature. In civil society, a

father can command obedience from his children after the dissolution of the bond. In return for their obedience they can expect a share of his inheritance. In the state of nature a father has no property to leave his children, and consequently, he has no reason to exact their obedience once they come of age. Thus, lasting paternal authority presumes civil society, as contrary to the argument which claims paternal authority to be the basis for political society.[224]

In the Social Contract, Rousseau, with appropriate drollery, denies the divine right of kings.

> I have said nothing about king Adam or emperor Noah, father of three great monarchs who divided up the universe among themselves, as did the children of Saturn who have been identified with them. I hope this moderation will be appreciated, for as I am a direct descendant of one of these princes, and perhaps of the eldest branch, how am I to know whether through the verification of titles, I would not discover that I am the legitimate king of the human race? However that may be, it cannot be denied that Adam was sovereign of the world, like Crusoe of his island, as long as he was its only inhabitant. And what was convenient in that empire was that the monarch, secure on his throne, had neither rebellions, nor wars, nor conspirators to fear.[225]

Rousseau suggests that Adam, like Robinson Crusoe, was monarch only because he had no subjects. If Adam had

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224. For the preceding arguments, refer to the Discourse, pp. 165-166 and the Social Contract, Book I, Chapter II, p. 47.

225. Rousseau, Social Contract, Book I, Chapter II, p. 48.

no subjects, he cannot command obedience since there was no one from which obedience can be exacted. Furthermore, Rousseau's other arguments on paternal authority in the Discourse can be applied as a refutation to the divine right of kings. For example, if natural law dictates the dissolution of the bond between father and child in the interest of self-preservation, so too must the bond dissolve - if there ever was one - between God the father and his child.

Although it appears feasible to suggest that one can voluntarily confer one's freedom in favor of another person, Rousseau maintains that voluntary enslavement does not constitute legitiamte authority.[226] Voluntary enslavement, or tyranny, is void for two reasons: first, it is not mutual; second, freedom cannot be bought or sold arbitrarily. According to Rousseau, a valid contract requires that an individual must receive and confer an advantage.

> [I]t would be difficult to show the validity of a contract that would obligate only one of the parties, where all would be given to one side and nothing to the other, and that would only damage the one who binds himself.[227]

A people cannot alienate its freedom to one or more rulers in exchange for subsistence. Rulers derive their subsistence - both wealth and power - from their subjects. They,

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226. Rousseau, Discourse, p. 166.

227. Ibid., p. 166.

therefore, cannot offer their subjects subsistence in exchange for their freedom. Such a contract would be one wherein the people would be alienating both their freedom and their goods in exchange for nothing. Voluntary enslavement is simply not plausible.[228] Neither can freedom be exchanged for civil tranquillity.

> It will be said that the despot guarantees civil tranquillity to his subjects. Perhaps so, but what have they gained if the wars that his ambition brings on them, if his insatiable greed, if the harassment of his ministers are a greater torment than their dissension would be? What have they gained, if this tranquillity is one of their miseries? Life is tranquil in jail cells, too.[229]

Rousseau also notes that even if an individual could alienate his freedom unconditionally, he cannot alienate the freedom of his posterity. To do so is not only to exceed the rights of paternity but also to subject those children who are worthy of freedom to a burdensome life. In the state of nature, a father can stipulate conditions for the child's well-being and preservation. As was illustrated earlier, there comes a time when the paternal bond is dissolved and the child becomes judge of his means to self-preservation. Given that the rights of society must be re-established in accordance with those that existed in the state of nature, it is contrary to, and

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228. Rousseau, Social Contract, Book I, Chapter IV, p. 49.

229. Ibid., Book I, Chapter IV, p. 49.

exceeds the right of nature to suggest that a father has the right to force his child to obey another man. Furthermore, some children are worthy of freedom - probably, a child like Rousseau - and such children find life burdensome without freedom.[230] Rousseau's final argument denies that freedom is merely a good like property and thus can be sold or given to another person. First, property, unlike freedom, is conventional; second, property unlike freedom, can be abused. Once property has been trasnferred to another person, its use or abuse is irrelevant to the original owner, whereas the abuse of one's freedom, if transferred to another person is relevant to the original owner.[231] Therefore, voluntary enslavement to another man, according to Rousseau, is nugatory.

The questions arise as to how Rousseau avoids the difficulties encountered by previous thinkers: why is his contract mutual; how does it assure freedom, and finally, why does it not exceed paternal rights. First, the contract is mutual because <u>each</u> person gives up <u>every</u> right which he possessed in the state of nature. For example, the stronger men give up their right to ensure their means to self-preservation by virtue of their strength; those men who are entitled to their goods by virtue of their

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230. Rousseau, <u>Social Contract</u>, Chapter I, Book IV, p. 49. See also the Discourse, p. 167.

231. Rousseau, Discourse, pp. 167-168.

labor also give up their right; in sum, each man gives up his right to act as the arbiter of the means to his self-preservation. In return, the rich men are assured of keeping their property and their lives and the poor are assured of keeping their lives.

Rousseau's description of his social contract, like Hobbes, appears to be one in which men alienate their freedom. It would therefore be plausible to argue that Rousseau's own social contract is illegitimate.

> Properly understood, all of these clauses come down to a single one, namely the total alienation of each association, with all his rights, to the whole community ... the alienation is made without reservation ... each gives himself to all ... Each of us puts his person and all his power in common under the supreme direction of the general will ...[232]

Rousseau does not state that a man's freedom can never be divested; what he does state is that freedom cannot be divested arbitrarily.

> I shall not stop to inquire whether, freedom being the most noble of man's faculties, it is not degrading one's nature; putting oneself on the level of beasts enslaved by instinct, even offending the author of one's being, to renounce without reservation the most precious of all his gifts ...233

> I shall neglect, if one wishes, the authority of Barbeyrac, who clearly declares, following Locke, that no one can sell his freedom to the point of subjecting himself to an arbitrary power which

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232. Rousseau, Social Contract, Book I, Chapter VI, p. 53.

233. Rousseau, Discourse, p. 167, emphasis added.

treats him according to its fancy ... [234]

Rousseau also notes that freedom, like goods cannot be transferred to someone else. Although this statement suggests that freedom cannot be transferred whatsoever, Rousseau states that freedom cannot be divested to those whom will abuse it.[235] The implication is that freedom can be divested insofar as it is not abused.

An understanding of what constitutes abuse is essential. According to Rousseau, Hobbes' contract was nugatory because it made men dependent upon one another. Thus, another individual cannot divest his freedom to the point of being subject to another man's wishes. To understand how Rousseau reconciles the difficulty of divesting one's freedom and yet not being subject to another man, one must understand the relationship between freedom, obedience to law, and obedience to another man. As stated previously, freedom can be achieved only by obeying law. In the state of nature, man's limited passions and lack of knowledge ensured that he did not act beyond the realm of natural law. So too in society. A man's freedom is ensured not by dancing to the pipe of another man, but rather, by submitting to the voice of law. In his Dedicatory Letter, Rousseau observes that he would have chosen to live and die in a society in which a man is

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234. Rousseau, Discourse, p. 167, emphasis added.

235. Ibid., p. 167, emphasis added.

> so subject to the laws that neither I nor anyone else could shake off their honorable yoke: that salutary and gentle yoke, which the proudest heads bear with all the more docility because they are suited to bear no other.[236]

Alas, the laws governing the art of thesis writing beckon. The question must be resolved as to why a contract between rich and poor men ensures that one is submitting to the law as opposed to men. The rich men have more goods to protect than the poor. Consequently, they have the most interest in preserving the contract. As such, they would be unduly scrupulous about obeying the laws. They would not harm the goods or lives of others to ensure the protection of their own goods and their own lives. This point, according to Rousseau, is when "justice and utility" are not at variance.[237] Rousseau's social contract, founded on the mutual recognition of property is thus legitimate because it does not divest a man's freedom arbitrarily and yet assures him of preserving his freedom. The contract does not establish equality in terms of money or property. Rather, the contract institutes legitimate inequality because the rights of nature - not depending on another man - are re-established in society.

If parents cannot divest their children's freedom, the difficulty arises as to how children become obligated to Rosseau's social contract. Rousseau apparently argues that

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236. Ibid., p. 79, emphasis added.

237. Rousseau, Social Contract, Book I, p. 46.

a legitimate government must be accepted by each generation.

> For an arbitrary government to be legitimate, it would therefore be necessary for the people in each generation to be master of its acceptance or rejection. But then this government would no longer be arbitrary.[238]

Yet, why would one accept the contract? According to the premises of Rousseau's argument, one would accept the contract because it is based on reason. If one thought about the contract, one would realize that man had to leave the state of nature for civil society. Of the many alternatives one does have, one would conclude, as Rousseau did, that the social contract based on property is the best and the most reasonable alternative.

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Although Rousseau contends that property, rightly conceived, provides a legitimate basis for civil society and authority, he presents the formation of civil society as a usurpation by wicked, rich men. Throughout the Discourse, however, Rousseau has consistently put forth one argument but with another - often opposite - argument concealed within it. He argues that man is a frugivore while subtly suggesting to the "attentive reader" that man is a carnivore; he states that pity is a noble sentiment of the naturally strong whereas he really seems to believe that it is experienced only by weak, vain men; clearly, he

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238. Ibid., Book I, Chapter IV, p. 49.

considers himself a philosopher but explicitly belittles philosophy; he implicitly argues for their being a truly legitimate and good civil society, and yet his Discourse explicitly depicts society only as an evil to man.[239] All of these apparent paradoxes emphasize and amplify the difficulty stated at the outset of the thesis: how Rousseau ought to be interpreted. To offer a plausible account of any thinker requires that one attempt to understand why a writer chose a certain method to make his arguments. For example, if my writings contain too many observations about women that I believe men ought not to know, then I would devise writing techniques - ornate, flowery prose, the use of distinctively feminine examples, condemnation of the male sex - to repulse most, if not all, male readers. Concerning Rousseau, the previous analysis has illustrated that Rousseau adopted a paradoxical rhetoric which praises a simple, uniform, virtuous life independent of most men. The general question arises as to why Rousseau's arguments are so well concealed, but the particular question arises as to why Rousseau adopted such a critical style of writing.

Leo Strauss, in his Persecution and the Art of Writing, argues that persecution breeds a particular type

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239. In the Dedicatory Letter, Rousseau would want to be born in a certain kind of city which suggests that Rousseau would not choose to live in the original state of nature. Discourse, pp. 78-83.

of literature.

> Persecution, then, gives rise to a peculiar technique of writing, and therewith to a peculiar type of literature, in which the truth about all crucial things is presented exclusively between the lines. That literature is addressed, not to all readers, but to trustworthy and intelligent readers only ... The fact which makes this literature possible can be expressed in the axiom that thoughtless men are careless readers, and only thoughtful men are careful readers.[240]

One's writings and one's beliefs must conform, at least superficially, to prevailing social and political thought. Writers living in twentieth century liberal societies in which citizens possess the right to free speech are not exempt from the pressures of conformity. For example, a treatise praising the virtues of and endorsing fascism and/or racism would not be published legally. Thus, if a person wants to avoid physical abuse, social ostracism or political repression, while at the same time desiring to think and to communicate with intellectual equals he must develop several writing techniques and a style which will enable him to enter both worlds. The care and precision which such a writer invests in his work necessitates that a reader must be similarly solicitious in reading such works.

Historical evidence indicates that persecution was no stranger to Rousseau. On June 8, 1762 the Parlement of Paris issued a warrant not only for the burning of the

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240. Leo Strauss, Persecution and the Art of Writing, (Glencoe, Illinois: The Free Press), 1952, p. 25.

Emile but also for the arrest of Rousseau.[241] On June 19, 1762 Geneva issued a warrant for the burning of the Social Contract, the Emile and an arrest for Rousseau himself.[242] On January 21, 1761 the government of Geneva forbade all libraries to handle the Nouvelle Heloise.[243] In the same month, the Geneva government prohibited the reprinting of Rousseau's Lettre a Christophe de Beaumont.[244] In 1770, Rousseau was forbidden to publish and to read publicly his Confessions.[245] These incidents suggest that Rousseau had a reason for writing between the lines.

Not only does historical evidence attest to Rousseau's persecution, but Rousseau's own writing in the Discourse suggests that he wrote in such a manner as to avoid the wrath of the ecclesiastical authorities. When discussing the status of the Discourse, Rousseau indicates his awareness of the tension beteween the tenets of his Discourse and those espoused by the church.

> The researches which can be undertaken concerning this subject must not be taken for historical truths, but only for hyypothetical and conditional reasonings better suited to clarify the nature of things than to show their true origin, like those our physicists make every day concern-

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241. Gavin de Beer, Jean-Jacques Rousseau and His World, (London: Thames & Hudson Ltd.), 1972, p. 62.

242. Ibid., p. 62.

243. Ibid., p. 68.

244. Ibid., p. 68.

245. Ibid., p. 106.

> ing the formation of the world. Religion commands us to believe that since God Himself took men out of the state of nature immediately after the creation, they are unequal because He wanted them to be so; but it does not forbid us to form conjectres, drawn solely from the nature of man and the beings surrounding him, about what the human race might have become if it had remained abandoned to itself. [246]

Rousseau states that his work is not antagonistic to the religious tenets because it is merely conjecture. The preceding analysis of the Discourse revealed, however, that Rousseau denies the divine teaching about the human race. This apparent opposition between the stated and the real intention of the work reveals, to some degree, Rousseau's awareness of the chasm between his teaching and that of the ecclesiastical authorities.

Although tension between Rousseau's teachings and those of the Church suggest that Rousseau had sufficient motive for writing between the lines, one suspects there is more to it. If fear of persecution was Rousseau's only motive for writing between the lines, it is difficult to understand why Rousseau continued to write profusely even after his works were banned. Rousseau, as a political philosopher, perhaps felt he had an obligation to write in the manner in which he did. It takes little reflection to convince oneself that Rousseau considered himself a philosopher. In the Preface, Rousseau writes that "one of the most interesting questions that philosophy might

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246. Rousseau, Discourse, p. 103.

propose" and "one of the thorniest that philosophers might resolve" is to know the nature of man.[247] His Discourse is an attempt to address the thorny philosophical question. It is a philosophical work attempting to resolve a philosophical question, which only a philosopher, such as Rousseau, might resolve. Furthermore, in note (b) Rousseau states that he will

> ... rely with confidence upon one of those authorities that are respectable for philosophers because they come from a solid and sublime reason, which philosophers alone know how to find and appreciate.[248]

The authority to whom he is referring is Buffon and he hereby claims such philosophic competence for himself.

So Rousseau regards himself as a philosopher, but what concretely is his conception of a philosopher? Presumbaly, some indication of the philosopher's character can be found in the Disocurse itself.

> O man, whatever country you may come from, whatever your opinions may be, listen: here is your history as I believed it to read, not in the books of your fellow-men, which are liars, but in nature, which never lies. [249]

Rousseau's Discourse will apparently examine the history of all men, and not just the few. Philosophers, being a type of man, should therefore be included in the history of man. If, however, a philosopher is not a man, but possibly

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247. Ibid., p. 91.

248. Ibid., p. 182.

249. Ibid., pp. 103-104.

a beast or a god, his history may not be told. Rousseau however does imply that philosophers are wise men. For example, Rousseau states that he is speaking to wise men[250] and in particular he refers to various philosophers such as Plato, Xenocrates[251] and Locke[252] as wise. Further, he states that philosophy is not a subject for men in general, but rather, a common science for the wise men.[253] Thus, it is likely that a history of the "wise men" is included in the Discourse. One drawback remains. The Discourse is a book; to read the books of fellow-men is to read lies, thereby implying that the Discourse, like all books, is a lie. The readers of the Discourse, however, are not supposed to read, but rather, to listen. To read the Discourse may be to read a lie but to listen to the Discourse is to hear the truth.

The following section concerning Rousseau is necessarily more speculative than the preceding interpretation of property. It is absurd to suppose that a child can understand the reasons for a wise man's writings. The first part of the Discourse appears to be an account not only of a natural man without reason in the state of nature, but also of a natural man with reason in civil

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250. Rousseau, Discourse, p. 101.

251. Ibid., p. 103.

252. Ibid., p. 150.

253. Ibid., p. 211.

society. In other words, Rousseau suggests that there are at least two types of natural men, one of whom is the philosopher. Even by Rousseau's own premises, there should be a "natural man" capable of living in civil society. In the Preface, Rousseau maintains that society must re-establish, according to reason, the duties and rights of man which prevailed in the state of nature. If natural man subsisted in the original state of nature, it would appear to follow that natural man can be re-created in society in accordance with reason. Rousseau's writing lends credence to this idea when he suggests that reason can teach man to do that which savage man does instinctively in the state of nature.

> He [savage man] had, in instinct alone, everything necessary for him to live in the state of nature: he has, in a cultivated reason, only what is necessary for him to live in society.[254]

Not only does Rousseau seem to imply that there are two kinds of natural men, but he also alludes to the possibility that natural man in the original state of nature lives an animal life whereas some natural men in society live a savage life. However, the similarity between the two types of life is their simplicity and uniformity.

> Now if one compares the prodigious diversity of educations and types of life that prevails in the different orders of the civil state with the simplicity and uniformity of animal and savage life, in which all nourish themselves on the same foods, live in the same manner, and do exactly

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254. Ibid., pp. 127-128.

the same things ...[255]

Furthermore, philosophers appear to share many of the characteristics of natural man.

Philosophers, like natural men, are not vain. Philosophers, like natural men, commiserate. Philosophers, like natural men, live outside of society. Rousseau never states explicitly that philosophers live outside society in the physical sense, but he does maintain that the proper study of philosophy leads to a universal knowledge.

> Shall we never see reborn those happy times when the people did not dabble in philosophy, but when a Plato, a Thales, a Pythagoras, seized with an ardent desire to know, undertook the greatest voyages solely to inform themselves, and went far away to shake off the yoke of national prejudices, to learn to know men by their likenesses and their differences, and to acquire that universal knowledge which is not that of one century or one country exclusively, but which, being of all times and all places, is so to speak, the common science of the wise? [256]

This Discourse, like all philosophical works, transcends time, place and country as indicated by Rousseau's statement that he will forget "time and place" in order to address "Plato and Xenocrates".[257] If philosophy is universal knowledge and if philosophers can acquire universal knowledge, it follows that their knowledge transcends civil society and it is, at least, in this

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255. Ibid., p. 138.

256. Ibid., p. 211.

257. Ibid., p. 103.

respect that philosophers, like natural men, live beyond the pale of civil society.

Philosophers, like natural men, do not depend on other men. Rather, they are, intentionally, the most solitary of men with few passions. Nowhere is this better exemplified, and less understood by Rousseau's friends and biographers, than in the life of Rousseau himself. About 1750, Rousseau was hired as secretary to Madame Dupin and her step-son Francueil. Rousseau despised the job, and after several weeks, quit because he believed it

> ... was his duty to pass in independence and poverty the little time that was yet left to him, to bring all the forces of his soul to bear in breaking the fetters of opinion, and to carry out courageously whatever seemed best to himself without suffering the judgment of others to interpose the slightest embarrasment or hindrance.[258]

Following this decision, Rousseau divested himself of trifles and pleasanteries: his sword, peruke, gilt buttons, white stockings, watch and then had his finer clothes stolen.[259] In 1754, Madame d'Epinay - whom Rousseau liked - wrote Rousseau a letter "begging him to allow her to assist him in assuring the moderate annual provision" which he required to live. Rousseau's response was bitter.

He wrote to her bitterly in reply, that her

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258. John Morley, Rousseau, (London: Chapman and Hill, Limited), 1883, p. 133.

259. Ibid., p. 134.

> proposition struck ice into his soul, and that she could have but sorry appreciation of her own interests in thus seeking to turn a friend into a valet. He did not refuse to listen to what she proposed, if only she would remember that neither he nor his sentiments were for sale.[260]

He later accepted her offer on the condition that no gratitude was involved on his part. In the autumn of 1757, Madame d'Epinay, living in civil society, fell ill and had to travel from Paris to Geneva to see the doctor. Both Diderot and Grimm wrote Rousseau a letter urging him to accompany her because "his obligations bound him to accompany her". Rousseau replied to Diderot vehemently.

> If Madame d'Epinay has shown friendship to me, I have shown more to her ... As for benefits, first of all I do not like them, I do not want them, and I owe no thanks for any that people may burden me with by force. Madame d'Epinay, being so often left alone in the country, wished me for company, it was for that she had kept me. After making one sacrifice to friendship, I must now make another to gratitude. A man must be poor, must be without a servant, must be a hater of constraint, and he must have my character, before he can know what it is for me to live in another person's house. For all that, I lived two years in hers, constantly brought into bondage with the finest harangues about liberty, served by twenty domestics, and cleaning my own shoes every morning, overloaded with gloomy indigestion, and incessantly sighing for my homely porringer ... Consider how much money an hour of the life and the time of a man is worth; compare the kindnesses of Madame d'Epinay with the sacrifice of my native country and two years of serfdom; and then tell me whether the obligation is greater on her side or mine.[261]

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260. Ibid., p. 154.

261. Ibid., p. 192.

Rousseau resented gifts of the most trifling kind.[262] Rousseau, in his later years, travelled to England where he was favorably received. Hume, being a generous man, by our standards, was able to procure Rousseau a pension from the king. Rousseau refused. Hume was incensed at what he perceived to be Rousseau's ingratitude.[263] Example after example in Rousseau's life suggests that he wanted to retain his independence. He strived to be a natural man, independent of others, while others perceived him as an ingrate.

If savage life represents the life of the philosopher, Rousseau's central question of the Discourse assumes another meaning.

> Precisely, what, then is at issue in this Discourse? To indicate in the progress of things the moment when, right taking the place of violence, nature was subjected to law, to explain by what sequence of marvels the strong could resolve to serve the weak, and the people to buy imaginary repose at the price of real felicity.[264]

If the philosopher is the strong, natural man the Discourse will explain why the philosopher has voluntarily chosen to serve weak, civil man. Although I am ill-equipped to demonstrate why a philosopher, who perceives himself to be superior, would serve civil man, I will attempt to amass

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262. Ibid., p. 235.

263. Ibid., p. 421.

264. Rousseau, Discourse, p. 167.

evidence from the Discourse to demosntrate that Rousseau does serve different people in different ways. His perplexing writing style is thus a means of performing his services.

Rousseau serves in the capacity of a virtuous citizen. Not only does he sign the Dedicatory Letter by referring to himself as a humble, fellow citizen[265] but he also claims for himself, competence as a virtuous citizen.

> Being convinced that only the virtuous citizen may properly give his fatherland those honors which it may acknowledge, I have worked for thirty years to deserve to offer you public homage; and as this happy occasion partially supplements what my efforts have been unable to accomplish, I believed I might be permitted here to follow the zeal that prompts me, rather than the right that ought to be my authorization.[266]

The Dedicatory Letter, therefore, appears to be Rousseau in his capacity as a virtuous fellow-citizen. Speaking as one fellow-citizen to another fellow-citizen, Rousseau would address a discourse. In this discourse, he would write as a preacher: he would tell his fellow citizens how good their political and civil situation are; how excellent is their constitution; how much they enjoy freedom; and finally he would endorse the virtues of obeying the laws and respecting their magistrates.[267] In other words,

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265. Rousseau, Discourse, p. 90.

266. Ibid., p. 78.

267. Ibid., pp. 83-85.

Rousseau as a fellow-citizen, espouses the virtues of being a citizen. Rousseau's last counsel to his fellow-citizens consists of the following:

> Beware above all, and this will be my last counsel, of ever listening to sinister interpretations and venomous discourses, the secret motives of which are often more dangerous than the acts that are their object.[268]

As stated previously, an understanding of Rousseau's Discourse entails that one must listen as opposed to read. He therefore implores his fellow-citizens to shy away from sinister and venomous works, like his Disocurse, which has a dangerous motive. This attempt to keep fellow citizens away from philosopy is a theme reiterated throughout the Disocurse. For example, as was seen in the discussion of pity, he portrays philosophers as vain, cold frogs yet he implies something different. Furthermore, he belittles the "philosophical rabble" and yearns for the time when people do not dabble in philosophy.[269] Thus, Rousseau, as a fellow-citizen, promotes salutary, moral teachings. It is because of his duty as a fellow citizen that he will not reveal his truths explicitly. In espousing these benign teachings, Rousseau claims that "where the vigor of laws and the authority of their defenders cease, there can be neither security nor freedom for anyone".[270] If people

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268. Ibid., pp. 85-86.

269. Ibid., p. 211.

270. Ibid., p. 85.

do not obey the laws, they will not be secure nor will philosophers be able to acquire freedom. Thus, one of Rousseau's concerns seems to be the preservation of philosophy for philosophers, a preservation which depends on the existence of virtuous fellow citizens. In turn, the existence of virtuous fellow citizens necessitates that people believe that it is in their best interest to act virtuous. To tell people they are merely pitiless, vain carnivores may encourage them to act as such. For this reason, Rousseau endorses virtue to his fellow-citizens.

Rousseau also speaks in his capacity as a fellow citizen to magistrates. Rousseau, however, does not address all magistrates; he addresses only the magistrates of a free people.[271] As a fellow citizen addressing the magistrates of a free people, Rousseau not only offers his respects[272] but speaks to them of the philosopher's duties.

> I never recall without the sweetest emotion the memory of the virtuous citizen to whom I owe my being, and who often spoke to me in my childhood of the respect that was due you. I see him still, living from the work of his hands, and nourishing his soul on the most sublime truths. I see Tacitus, Plutarch, and Grotius mingled with the instruments of his trade before him. I see at his side a beloved son, receiving without little profit the tender insturctions of the best of fathers.[273]

Although Rousseau's readers believe that Rousseau is

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271. Ibid., p. 86.

272. Ibid., p. 86.

273. Ibid., pp. 86-87.

referring to his biological father, it seems more likely to suggest that Rosseau is referring to someone such as Socrates or Plato. Rousseau's biological father was neither a virtuous citizen who nourished his soul on the most sublime truths nor was he the best of fathers.

> Isaac Rousseau was a proud, restless, headstrong individual who left Geneva a year after his marriage in order to make watches in Constantinople (where there was a "colony" of Swiss artisans). At his wife's request, the elder Rousseau returned to Geneva in 1711; Jean-Jacques was born on June 28, 1712. Isaac Rousseau's fun-loving and passionate nature was revealed in quarrels - caused by his penchant for hunting on the lands of Geneva's more solid citizens - which came to the attention of the Consistory. The most important of these arguments, with one Pierre Gautier, led to a sword fight on the streets of Geneva, as a result of which the elder Rousseau fled the city to avoid persecution.[274]

If Rousseau is referring to other philosophers as his "father" the remainder of his address to the magistrates assumes a new meaning.

> It does not behoove me and, thank heaven, it is not necessary to speak to you of the consideration which can be expected from you by men of that stamp: your equals by education as well as by the rights of nature and of birth; your inferiors by their will and by the preference they owe your merit, which they have accorded it, and for which you owe them in turn a kind of gratitude. I learn with keen satisfaction of how much you temper toward them, by gentleness and condescension, the gravity suited to ministers of the laws, how much you return to them in esteem and attentions what they owe you in obedience and respects: conduct full of justice and wisdom, suited to put farther and farther away the memory of the unhappy events which must be

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274. Ibid., Master's note to Rousseau's Discourse, #6, pp. 230-231.

> forgotten in order that they never be seen again; conduct all the more judicious as this equitable and generous people makes a pleasure of its duty, as it naturally loves to honor you, and as the most ardent in upholding their rights are the most inclined to respect yours.[275]

Rousseau appears to be assuring the magistrates that they need not be threatened by philosophers because the philosophers owe the magistrates of a free people obedience and respect. It is therefore plausible to suggest that Rousseau, as a philosopher, cannot reveal the truth explicitly to his fellow citizens because he would not be fulfilling his obligation to the magistrates. If magistrates are so gentle and condescending as to permit philosophers to pursue philosophy, true philosophers will not upset the foundations of society by encouraging people to engage in free thought. Rather, true philosophers will write in such a manner as to preserve the foundations of society.

Rousseau, as argued previously, perceives himself to be a philosopher. Consequently, he must prove his worth as a philosopher to judges such as Plato and Xencorates. As a philosopher, he must reveal his wisdom. Consequently, as a philosopher he must honor the truth[276] but can only do so if he fulfills his other two services: namely, as a fellow citizen and a servant of the magistrates. Rousseau's

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275. Ibid., p. 88.

276. Ibid., p. 101.

paradoxical writing style performs all three services: his rhetoric espouses virtue to fellow citizens; he respects the magistrates not only by being a virtuous citizen in practice, but also by concealing the truths about men; and finally, he fulfills his capacity and his desire to know as a philosopher by honoring truth although it is difficult for the truth to be found in his works.

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